

IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
 YAVAPAI COUNTY, ARIZONA  
 FOR THE COUNTY OF YAVAPAI

2011 NOV 22 PM 2:55

SANDRA K HARKHAM, CLERK  
 BY: *Jacqueline Harshman*

STATE OF ARIZONA, )

Plaintiff, )

vs. )

Case No. V1300CR201080049

JAMES ARTHUR RAY, )

Defendant. )

REPORTER'S TRANSCRIPT OF PROCEEDINGS  
 BEFORE THE HONORABLE WARREN R. DARROW

TRIAL DAY THIRTEEN

MARCH 10, 2011

Camp Verde, Arizona

**ORIGINAL**

REPORTED BY  
 MINA G. HUNT  
 AZ CR NO. 50619  
 CA CSR NO. 8335

1 IN THE SUPERIOR COURT OF THE STATE OF ARIZONA  
2 FOR THE COUNTY OF YAVAPAI  
3  
4 STATE OF ARIZONA, )  
5 Plaintiff, )  
6 vs. ) Case No V1300CR201080049  
7 JAMES ARTHUR RAY, )  
8 Defendant. )  
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15 BEFORE THE HONORABLE WARREN R. DARROW  
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1 Proceedings had before the Honorable  
2 WARREN R. DARROW, Judge, taken on Thursday,  
3 March 10, 2011, at Yavapai County Superior Court,  
4 Division Pro Tem B, 2840 North Commonwealth Drive,  
5 Camp Verde, Arizona, before Mina G. Hunt, Certified  
6 Reporter within and for the State of Arizona.  
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## PROCEEDINGS

THE COURT: The record will show the presence of the defendant, Mr. Ray, the attorneys, and the jury. And the witness will be on the stand directly.

Mr. Mehravar is on the stand. He has previously been sworn.

You understand that, sir?

THE WITNESS: Yes, I do.

THE COURT: Ms. Polk.

MS. POLK: Thank you.

## DIRECT EXAMINATION (Continued)

BY MS. POLK:

Q. Good morning, Mr. Mehravar.

A. **Good morning.**

Q. Where we left off yesterday, the jury just heard the briefing by Mr. Ray that you heard on October 8th of 2009. After that briefing where did you go?

A. **I went back to my tent, and I changed to my swimming short. And I believe I had a T-shirt. I don't remember that. But I came back.**

Q. Where did -- where did you come back to?

A. **Where the sweat lodge was built.**

Q. I'm going to put up on the overhead

Exhibit 145. Does that look familiar to you?

A. **Yes.**

Q. When you came back, where did you and the other participants gather?

A. **There was a tent there. There was some water and fruit there, and we were there. We waited there.**

Q. Okay. Did you do anything before entering the sweat lodge?

A. **We -- we had those papers that we have written. And we throw that into the fire as well as our heart stone.**

Q. The fire that you threw them in -- do you see it in this photograph?

A. **Yes. That's the right one.**

Q. Did Mr. Ray say anything more to you when you all gathered down at the sweat lodge itself?

A. **He -- he might, but I don't remember.**

Q. Do you recall where you were when you entered the sweat lodge tent?

A. **I was once behind at the end of the line, so we were at the inner circle. And when I was seated, I was almost across from the fire -- the pit.**

Q. Mr. Mehravar, I'm going to approach you

and show you what's been marked as Exhibit 324. Do you recognize that?

A. **Yes, I do.**

Q. And what is that?

A. **That's the inside of the tent.**

MS. POLK: Your Honor, I move for the admission of Exhibit 324.

MR. LI: No objection.

THE COURT: 324 is admitted.

(Exhibit 324 admitted.)

MS. POLK: And may I publish it, Your Honor?

THE COURT: Yes.

Q. BY MS. POLK: I'm going to put that exhibit, sir, up on the overhead and ask you if -- first of all, can you tell from this photograph where the entrance to the sweat lodge structure is?

A. **No.**

Q. And looking at this photograph, are you able to identify where you were?

A. **I was sitting across from the entrance on the inner circle. And if I know which one is the entrance, then I will be sitting directly the opposite.**

Q. Okay. Let me put up on the overhead Exhibit 414, which is just a simple diagram.

A. **Okay.**

Q. And to orient you on this photograph, the entrance is --

A. **Yes. I can see that.**

Q. Yes. Will you point out for the jury where on this diagram you believe you were seated. And you can actually touch the screen itself and draw on it.

A. **Sure. I was probably sitting right here.**

Q. And the entrance?

A. **Is right here.**

Q. How did you get to that spot?

A. **Again, because we were at the end of the line, I came through here and I sat right here.**

Q. And we've heard from the jury that there were -- I'm sorry -- from other witnesses that there were two rows.

A. **That is correct. There were one behind me that was already filled in.**

Q. And behind you. Point on this diagram what you mean.

A. **There were people sitting all around here.**

Q. Are you able to tell the jury, sir, how close to the pit you were?

1 **A. It was probably where I'm sitting now to**  
 2 **at the end of the table right there.**  
 3 **Q. Which table?**  
 4 **A. This table.**  
 5 **Q. This table for the court reporter?**  
 6 **A. Yes.**  
 7 **Q. Are you able to tell us approximately how**  
 8 **many feet that is?**  
 9 **A. Four feet, three feet, three and a half,**  
 10 **somewhere in there.**  
 11 **Q. And if I put back up on the overhead**  
 12 **Exhibit 324 -- first of all, you talked about the**  
 13 **pit. Do you see the pit on here?**  
 14 **A. Yes, I see.**  
 15 **Q. Will you point that out for the jury.**  
 16 **A. It's right here.**  
 17 **Q. It's your testimony you believe you were**  
 18 **three to four feet from that pit --**  
 19 **A. Yes, I do.**  
 20 **Q. -- in the back of the tent? Did you come**  
 21 **to know somebody named Kirby Brown during the week**  
 22 **of Spiritual Warrior seminar?**  
 23 **A. Yes, I did.**  
 24 **Q. Did you come to know someone named James**  
 25 **Shore during that week?**

1 **A. Yes. James was staying at the tent next**  
 2 **door with Lou Caci. So I did have conversation**  
 3 **with James Shore.**  
 4 **Q. And let me just digress for a moment to**  
 5 **ask you about tents. We've heard from other**  
 6 **witnesses that people stayed in the cabins. Did**  
 7 **you stay in a tent?**  
 8 **A. I did stay in the tent. Yes.**  
 9 **Q. And what was the difference between the**  
 10 **tents and the cabin in terms of where people**  
 11 **stayed?**  
 12 **A. I think cabin was made by wood and had**  
 13 **more insulation, probably a little more**  
 14 **comfortable. And the tent was a tent.**  
 15 **Q. How many participants during that week**  
 16 **stayed in tents? Do you know?**  
 17 **A. I don't know. But each tent had two**  
 18 **people in it. My tent had me and my roommate.**  
 19 **Q. Who was your roommate?**  
 20 **A. I don't recall today.**  
 21 **Q. Did you spend a lot of time in the tent?**  
 22 **A. No. No. Just going back to sleep.**  
 23 **Q. I'm going to put back up on the overhead**  
 24 **Exhibit 414, which, again, is our diagram of the**  
 25 **sweat lodge structure. Do you know, sir, where**

1 Kirby Brown's position in this structure was?  
 2 **A. No, I don't.**  
 3 **Q. Do you know where James Shore's position**  
 4 **was?**  
 5 **A. James was in front of me. So I went**  
 6 **after him. So probably he was -- my guess is he**  
 7 **was somewhere in here. That's my best guess.**  
 8 **Q. That's just a guess?**  
 9 **A. Yes.**  
 10 **Q. And show us where you were again.**  
 11 **A. I was around there.**  
 12 **Q. And you said James Shore went in front of**  
 13 **you. What do you mean?**  
 14 **A. Well, actually, you know what. If he**  
 15 **went in front of me, then --**  
 16 **Q. We can clear --**  
 17 **A. -- he would have been -- I have to make a**  
 18 **correction. He would have been actually before me.**  
 19 **So he would have been probably here.**  
 20 **Q. Do you know the names of any participants**  
 21 **that you are sure were near you in the tent?**  
 22 **A. Mike was sitting on my left side.**  
 23 **Q. Do you know Mike's last name?**  
 24 **A. No.**  
 25 **Q. Okay.**

1 **A. And I believe there was a girl sitting**  
 2 **beside me on the right side. I think Christine.**  
 3 **Q. How close were you to those around you?**  
 4 **A. We were touching, like, feet to feet.**  
 5 **Q. Tell the jury what you experienced**  
 6 **immediately upon entering the tent.**  
 7 **A. It was -- it was smaller than I thought**  
 8 **it would be, for one thing. And the height wasn't**  
 9 **enough so you can stand up. You have to actually**  
 10 **kind of crawl in. And that's it.**  
 11 **Q. How did the ceremony begin?**  
 12 **A. The ceremony began with bringing some**  
 13 **rocks in. And every time the stone master brought**  
 14 **the rock in and put it in the pit, we would say,**  
 15 **hello, grandfathers. And then the next one would**  
 16 **come in. After all the stones were in, we closed**  
 17 **the entrance and Mr. Ray put some -- poured some**  
 18 **water on the stones.**  
 19 **Q. Did you feel any effect of the water**  
 20 **being poured on the stones?**  
 21 **A. Yes. It was -- immediately it was -- the**  
 22 **room was filled with steam. And the temperature,**  
 23 **even when the stones were bringing in, it was very**  
 24 **high.**  
 25 **Q. How did you react to that?**

1 **A. Well, I was surprised at how hot it is.**  
 2 **And I just tried to stay calm and breathe.**  
 3 **Q. Did you begin to feel the effects of the**  
 4 **heat at some point?**  
 5 **A. Well, the effect of the heat was**  
 6 **immediate. It was very intense heat. So yes.**  
 7 **Q. And what did you do to deal with the**  
 8 **heat?**  
 9 **A. I was -- I was thinking that actually my**  
 10 **body would adjust and the breathing and the whole**  
 11 **intensity of it would wear off and I will feel more**  
 12 **comfortable.**  
 13 **Q. Why did you think that?**  
 14 **A. Well, because Mr. Ray already told us**  
 15 **it's going to be a lot of heat and it's going to**  
 16 **feel like you're dying. So it was a lot of heat.**  
 17 **And I feel like -- you know -- I can't breathe.**  
 18 **But it's hard. But also I know that since you've**  
 19 **told me that and there has been never accident in**  
 20 **events before and people did the same thing, so I'm**  
 21 **sure at one point it would be a breakthrough that**  
 22 **you kind of feel more comfortable sitting there.**  
 23 **Q. Why did you think there had never been**  
 24 **any incidents before?**  
 25 **A. I was never told.**

1 **Q. Did there come a time when you were**  
 2 **starting to lose awareness of what was going on**  
 3 **around you?**  
 4 **A. Yes, I did. It almost feel like -- you**  
 5 **know -- you kind of doze off and off of sleep kind**  
 6 **of way.**  
 7 **Q. How -- well, did you do anything about**  
 8 **that feeling?**  
 9 **A. No. Once the heat starts being too much,**  
 10 **I kind of lay my face towards the ground so to cool**  
 11 **off.**  
 12 **Q. Okay. Did that help you?**  
 13 **A. It was definitely colder temperature**  
 14 **close to the ground than it is when you are**  
 15 **sitting.**  
 16 **Q. We've heard the words of Mr. Ray that you**  
 17 **could leave between rounds. Did you think about**  
 18 **leaving?**  
 19 **A. I was just hoping that the rounds would**  
 20 **go faster so I can finish it.**  
 21 **Q. Why did you want to finish it?**  
 22 **A. Well, it -- that's a very good question.**  
 23 **First of all, that was the highlight of the event.**  
 24 **And we have gone to our Vision Quest, and I want to**  
 25 **come out as a new person that I intended. And for**

1 **me to stay there, it meant that I have done what I**  
 2 **promised myself to do. So it had some personal**  
 3 **meaning for me as well to stay there --**  
 4 **Q. Okay.**  
 5 **A. -- to finish.**  
 6 **Q. Did there come a time -- well, let me ask**  
 7 **you this: Did the flap open in between each round?**  
 8 **A. Yes, it did.**  
 9 **Q. Were you ever able to feel any fresh air**  
 10 **when the flap opened?**  
 11 **A. No. Not at all.**  
 12 **Q. From your position, show us again on the**  
 13 **overhead where your position was.**  
 14 **A. Right around here.**  
 15 **Q. And it's your testimony you never felt**  
 16 **any fresh air --**  
 17 **A. No.**  
 18 **Q. -- when the flap opened?**  
 19 **A. No fresh air. No. Nothing changed on**  
 20 **that side of tent.**  
 21 **Q. Were you aware of Mr. Ray talking or**  
 22 **chanting throughout the ceremony?**  
 23 **A. Yes. At the first couple of rounds, I**  
 24 **was -- I knew that Mr. Ray was talking and**  
 25 **chanting. After -- probably by third or fourth**

1 **round, I can still hear his voice but I couldn't**  
 2 **understand what was going on.**  
 3 **Q. Could not understand him?**  
 4 **A. Yes.**  
 5 **Q. Did there come a time when somebody**  
 6 **opened the back of the tent?**  
 7 **A. Yes. I believe it was almost behind me**  
 8 **that I saw some of the light.**  
 9 **Q. Can you illustrate on the overhead for us**  
 10 **where you saw light coming.**  
 11 **A. It could have been anywhere from here to**  
 12 **here. But it was behind me.**  
 13 **Q. Do you know what caused the light?**  
 14 **A. Someone lifted the tent a little bit.**  
 15 **Q. Was there any reaction from Mr. Ray when**  
 16 **someone lifted the side of the tent?**  
 17 **A. Mr. Ray was upset, and he said something**  
 18 **about that. Yes.**  
 19 **Q. Do you recall what he said?**  
 20 **A. I don't recall what he said at that time,**  
 21 **but it was still what he said after.**  
 22 **Q. And what did he say after?**  
 23 **A. I believe Mr. Ray said who has committed**  
 24 **this sacrilegious act or something like that.**  
 25 **MR. LI: Move to strike as hearsay,**

1 Your Honor.

2 THE COURT: Sustained.

3 Q. BY MS. POLK: Did Mr. Ray's words affect  
4 you at that time?

5 MR. LI: Objection as to form.

6 THE COURT: Sustained.

7 Q. BY MS. POLK: After the incident with  
8 somebody opening up the back of the lodge, do you  
9 recall what you were thinking?

10 A. I don't know what I was thinking. I just  
11 know that it was a lot of heat and I was just  
12 hoping that it will be done soon.

13 Q. Do you recall any voices around you  
14 indicating a desire to get out?

15 MR. LI: Objection. Leading.

16 THE COURT: Sustained.

17 Q. BY MS. POLK: Do you recall voices around  
18 you around this time?

19 A. No. The only thing I remember was when  
20 the tent was open and the people were going to  
21 leave, Mr. Ray would say, you are bigger than that.  
22 You are more than that, and encourage them to stay.  
23 And some of the participants would follow and say  
24 the same thing.

25 Q. Did there come a time, Mr. Mehravar, when

1 you felt you wanted to get out?

2 A. Yes.

3 Q. When was that?

4 A. I think it was the beginning of round 5  
5 or the beginning of round 6 that I thought I can't  
6 stay here longer.

7 Q. And what did you do?

8 A. I tried to crawl out while the entrance  
9 was open and I felt conscious.

10 Q. Show this jury on this overhead how --  
11 what direction you tried to crawl out.

12 A. I tried to crawl out this way, and I  
13 don't think I made it far.

14 Q. What is your next memory?

15 A. The next memory, I was outside of tent  
16 and one of the volunteers was squirting me down,  
17 hosing me down.

18 Q. Do you know how much time had passed from  
19 the time you passed out until the time you woke up  
20 with water being poured on you?

21 A. No, I don't.

22 Q. What did you feel at that point?

23 A. Well, I knew that I'm outside, and it was  
24 still extremely hot. And even though they were  
25 trying to get the hose away, I just keep asking

1 them to keep the water on me because I kind of  
2 still very hot.

3 Q. Do you know who it was who was hosing you  
4 down?

5 A. I don't remember. No.

6 Q. What happened next?

7 A. I was very dizzy. I tried to get up. I  
8 couldn't. So I just kind of told myself to kind of  
9 lay on the ground and wait until I get the -- have  
10 the strength to get up. And, again, I don't know  
11 how long it was, but I started throwing up.

12 Q. And how long did you throw up for?

13 A. I don't remember, but I did throw up.  
14 And when I noticed other people around me that are  
15 laying down, so I just -- I don't know how long I  
16 was throwing up.

17 Q. Do you recall anyone tending to you when  
18 you were throwing up?

19 A. No.

20 Q. What other physical reactions were you  
21 having at that time?

22 A. I was just thinking okay. I'm throwing  
23 up. That's a good sign. Mean it's going to get  
24 better. So, again, I stayed low to be able to get  
25 some strength because I couldn't get up. And at

1 that one moment I feel like I can't breathe.

2 Q. How did you react to that?

3 A. First I tried to concentrate to kind of  
4 control my breathing. But after I realize it's  
5 actually I can't, then I start yelling and  
6 screaming and asking for help.

7 Q. Do you recall what you were yelling?

8 A. Yes. I was saying -- I thought at that  
9 moment I'm having a heart attack. I was asking for  
10 help, and I was yelling and screaming my kids  
11 names, that I want to see them and I don't want to  
12 die.

13 Q. And who was that?

14 A. Jordan and Jessie.

15 Q. What made you believe you were having a  
16 heart attack, Mr. Mehravar?

17 A. I couldn't breathe. I mean, I was -- I  
18 tried to gasp for air, and there was nothing coming  
19 in for -- I couldn't breathe. I felt like someone  
20 had my head underwater and there was no air coming  
21 in.

22 Q. What happened next?

23 A. I had two of the volunteers holding me  
24 and trying to calm me down.

25 Q. Do you know their names?

1 A. I believe it was Lisa and Christine.  
 2 Q. Okay.  
 3 A. And they were trying to calm me down, and  
 4 they were telling me that I'm going to be okay.  
 5 And I just keep yelling and screaming.  
 6 Q. Did you ever lose consciousness again?  
 7 A. Yes, I did. After I don't know how many  
 8 minutes, I was in that position. I lost  
 9 consciousness. Yes.  
 10 Q. How long were you screaming for before  
 11 you lost consciousness?  
 12 A. My best guess, probably two minutes,  
 13 something like that.  
 14 Q. Can you tell the jury how loud you were  
 15 when you were screaming.  
 16 A. Well, I was screaming as loud as I can.  
 17 Q. Do you recall whether Mr. Ray said  
 18 anything to you at any point?  
 19 A. While I was screaming?  
 20 Q. Yes.  
 21 A. No. Mr. Ray was inside the tent. I was  
 22 outside.  
 23 Q. Okay. Did Mr. Ray ever come over to you  
 24 to check up on you when you were having this  
 25 reaction?

1 A. At that time, no.  
 2 Q. Did anybody call 9-1-1?  
 3 A. I don't know. I don't think so. No.  
 4 Q. Did Mr. Ray stop his ceremony when this  
 5 was happening to you?  
 6 A. No. Because I can hear -- after I gained  
 7 consciousness, I can hear the, hello, grandfather.  
 8 So I knew the ceremony was still going on.  
 9 Q. Let's talk about when you regained  
 10 consciousness that second time. Do you have any  
 11 idea how long you were unconscious the second time?  
 12 A. No, I don't.  
 13 Q. And what is your first memory of coming  
 14 to?  
 15 A. I was laying on my side, and my -- I was  
 16 looking at the ground. And my first thinking to my  
 17 mind was, well, maybe I'm just dead and my brain is  
 18 registering some pictures. I couldn't hear  
 19 anything.  
 20 And then I -- one of the girls said if I  
 21 can hear her, and I said yes. And at that time I  
 22 asked if I'm dead, and she said, no. You come  
 23 back.  
 24 Q. Were there any doctors or other medical  
 25 professionals around you at that time?

1 A. No.  
 2 Q. What happened next?  
 3 A. I lay on my back, and I just tried to  
 4 breathe just one breath at a time to kind of see  
 5 what's going on. I have -- try to remember names.  
 6 I cannot remember my kids names, my fiance's name.  
 7 And I start to try to move my legs to see if I  
 8 can -- if I physically can move them. I move my  
 9 legs. I move my hands. I move my body a little  
 10 bit so -- just to make sure I'm still -- I can  
 11 physically move. But I didn't get up. I just lay  
 12 there and just breathe. I just breathe.  
 13 Q. How long did you lay there for?  
 14 A. I don't remember.  
 15 Q. What do you remember happening next?  
 16 A. At one point there were still people  
 17 trying to go back to the tent. And the ceremony  
 18 was still on. Because I know that the whole thing  
 19 that happened to me. It was still while the  
 20 ceremony was going on.  
 21 Q. How were you aware that people were  
 22 trying to go back into the tent?  
 23 A. By -- I was -- by that time I think I was  
 24 just starting to know things around me. And I know  
 25 at one time one of the participants that was beside

1 me in the tent -- Lou -- was trying to say, I have  
 2 to go back and finish it. He was screaming that he  
 3 wants to go back and finish it.  
 4 Q. Did you hear anybody react to Lou when he  
 5 was screaming about going back in?  
 6 A. Not that I recall.  
 7 Q. Were you ever aware of Mr. Ray saying  
 8 anything before the sweat lodge ceremony ended,  
 9 between the time you woke up the second time?  
 10 A. Say anything?  
 11 Q. Yes.  
 12 A. No.  
 13 Q. And how about with regard to people  
 14 coming back in?  
 15 A. Well, while I was in the -- inside the  
 16 sweat lodge, when they opened up the entrance to  
 17 get more stone in, Mr. Ray encouraged the people  
 18 who have left to come back in again.  
 19 Q. What were you next aware of?  
 20 A. Someone brought me some blanket. And at  
 21 one point Mr. Ray was sitting beside me in a chair.  
 22 Q. At that point had he ended his sweat  
 23 lodge ceremony?  
 24 A. I believe so. Yes.  
 25 Q. Did he say anything to you at that time?

1 **A. No. Mr. Ray had a -- was best as I**  
2 **recall, had a smile on his face. And he helped me**  
3 **to get up. I told Mr. Ray, James, I think I died**  
4 **and I came back.**

5 **And Mr. Ray said, you were reborn. Go**  
6 **take a shower and get ready for dinner.**

7 **Q. And what did you do?**

8 **A. I still was weak. So I have a couple of**  
9 **people help me with the golf cart. And we went to**  
10 **my tent. I changed my clothing, and I came back**  
11 **again to the scene.**

12 **Q. Before you left the scene, had any**  
13 **emergency medical responders arrived at the scene?**

14 **A. I don't remember. Sorry.**

15 **Q. Are you aware at some point that there**  
16 **was an emergency medical response to the scene?**

17 **A. Yes. When I was back, there were**  
18 **medical, there were helicopters, there were**  
19 **ambulances.**

20 **Q. Did you have any interaction with them?**

21 **A. I was sitting by the tent. And one of**  
22 **the -- I don't know if it was a participant or a**  
23 **volunteer say, you should go and talk to the**  
24 **paramedic to just see if you're okay. And at that**  
25 **time I went, and then they put me in an ambulance**

1 **and take me to the hospital.**

2 **Q. Did they check you out at the scene?**

3 **A. They give me oxygen. They tried to give**  
4 **me an I.V., but they couldn't find any way that**  
5 **they can insert it. So I was just given an oxygen**  
6 **mask on while going to the hospital.**

7 **Q. And what do you mean? They couldn't find**  
8 **what to give you an I.V.?**

9 **A. I think all my veins were shrink. They**  
10 **couldn't find anything to insert the needle.**

11 **Q. Shrunk due to what?**

12 **MR. LI: Objection. Calls for speculation.**

13 **THE COURT: Sustained.**

14 **Q. BY MS. POLK: How long did the paramedics**  
15 **try to give you an I.V.?**

16 **A. Well, they tried a couple of times, and**  
17 **they said, we can't. We have to go to the**  
18 **hospital.**

19 **Q. Okay.**

20 **A. They will do it there.**

21 **Q. Did you, then, go to the hospital?**

22 **A. Yes.**

23 **Q. And were you transported how?**

24 **A. By the ambulance on a -- you know --**  
25 **stretcher.**

1 **Q. Do you know what hospital you went to?**

2 **A. No.**

3 **Q. I'm going to hand you, sir, Exhibit 193.**  
4 **Have you ever seen that exhibit before?**

5 **A. No.**

6 **Q. And do you recognize your name on this**  
7 **exhibit?**

8 **A. Yes, I do.**

9 **Q. Do you recognize that to be a report by**  
10 **the Verde Valley Ambulance Company?**

11 **A. Yes, I do.**

12 **MS. POLK: Your Honor, I move for the**  
13 **admission of Exhibit 193.**

14 **MR. LI: Your Honor, no objection. But if I**  
15 **may speak to counsel for a moment.**

16 **THE COURT: Yes.**

17 **(Whereupon, a discussion was held off the**  
18 **record between counsel.)**

19 **MR. LI: No objection, Your Honor, on the**  
20 **basis of our discussion with counsel.**

21 **THE COURT: 193 is admitted.**

22 **(Exhibit 193 admitted.)**

23 **Q. BY MS. POLK: And, Mr. Mehravar, I'm**  
24 **going to show you Exhibit 192. Do you see your**  
25 **name on that exhibit?**

1 **A. Yes, I do.**

2 **Q. And do you recognize that to be a medical**  
3 **report from the Verde Valley Medical Center?**

4 **A. Yes, I do.**

5 **MS. POLK: Your Honor, I move for the**  
6 **admission of Exhibit 192.**

7 **MR. LI: No objection, Your Honor.**

8 **THE COURT: 192 is admitted.**

9 **(Exhibit 192 admitted.)**

10 **Q. BY MS. POLK: Mr. Mehravar, how were you**  
11 **feeling at the time the paramedics at the scene**  
12 **treated you?**

13 **A. I was very weak and -- but dizzy.**

14 **Q. And when you arrived at the hospital, how**  
15 **were you feeling?**

16 **A. Still the same, kind of nauseous, dizzy.**

17 **Q. Do you recall meeting with the doctor at**  
18 **the hospital?**

19 **A. Yes.**

20 **Q. And what did they -- what did the doctor**  
21 **at the hospital do for you?**

22 **A. I think they tried to -- a couple of the**  
23 **nurses tried to give me the I.V., but they had to**  
24 **call someone that knows how to because still they**  
25 **couldn't insert the needles. So they called**



1 another person to come and do it. They run some  
2 tests. Nothing toxic or anything that showed up.

3 MR. LI: Objection. Move to strike. Hearsay.

4 THE COURT: Sustained.

5 Q. BY MS. POLK: I'm going to ask you about  
6 the attempts, again, to insert an I.V. When was  
7 the last time you had had anything to drink before  
8 the paramedics treated you?

9 MR. LI: Objection. Lack of relevance. The  
10 connection between drinking and an I.V. is tenuous  
11 at best, Your Honor.

12 THE COURT: Overruled.

13 You may answer that.

14 THE WITNESS: When I was -- when I gained  
15 consciousness the first time after I left the tent  
16 when they were pouring water, I did try to drink  
17 some water, but I just couldn't.

18 Q. BY MS. POLK: And prior to entering the  
19 sweat lodge, when was the last time you had  
20 anything to drink?

21 A. Before entering the sweat lodge, I had  
22 water. I did.

23 Q. Where did you get that water from that  
24 you drank?

25 A. We had our bottles. I filled up my

1 bottle, and I had a drink before I get into the  
2 sweat lodge.

3 Q. And prior to -- well, the jury has heard  
4 about the Vision Quest --

5 A. Yes.

6 Q. -- and the 36 hours out in the desert.  
7 Did you participate in the Vision Quest?

8 A. Yes, I did.

9 Q. Did you have anything to eat during the  
10 Vision Quest?

11 A. No, ma'am.

12 Q. Did you have anything to drink during the  
13 Vision Quest?

14 A. No, ma'am.

15 Q. After that Vision Quest was over Thursday  
16 morning around 6:30 to 7:00, did you drink water  
17 then?

18 A. After we were back, I had some water.  
19 And I also had a little breakfast that we talked  
20 about.

21 Q. Did you make attempts to hydrate between  
22 the Vision Quest and the beginning of the sweat  
23 lodge ceremony?

24 A. No. I didn't know the sweat lodge  
25 ceremony is going to happen at that time. So I was

1 probably drinking little bit. But I start drinking  
2 when -- from the time we were told we're going to  
3 go to the sweat lodge. By the time we had entered  
4 the sweat lodge, I tried to drink as much as I can.

5 Q. And how much time was that?

6 A. I would say probably 30 minutes.

7 Q. Do you recall today how much you did  
8 manage to drink in those 30 minutes before the  
9 ceremony began?

10 A. No.

11 Q. You testified that after you came out of  
12 the sweat lodge and regained consciousness, someone  
13 gave you something to drink?

14 A. They tried to -- some of the volunteers.  
15 They were trying to give me the water that was like  
16 Gatorade, but I --

17 Q. Uh-huh.

18 A. -- somehow I couldn't drink it. I just  
19 wanted some normal water. And eventually I was  
20 given some water, but I couldn't drink a lot. It  
21 wasn't like just drinking. I'd, like, try a little  
22 bit. I was -- I don't know. I couldn't drink as  
23 much as I probably would like to.

24 Q. And where did that water come from? Do  
25 you know?

1 A. I don't know.

2 Q. Now, with respect to Exhibit 192, I want  
3 to put up on the overhead the -- from the fourth  
4 page. And it states the impression and plan. And  
5 do you see here under notes it says, I splenied  
6 (sic). I assume that's I explained -- to the  
7 patient that we did not have a cause for his  
8 symptoms or the other people's symptoms that were  
9 in the sweat lodge, including the two people that  
10 died. I offered an overnight observation, but he  
11 refused, stating that he was feeling well and  
12 needed to fly home tomorrow.

13 Why did you refuse, Mr. Mehravar?

14 A. You know, I -- first of all, they  
15 probably have told me that people have passed away,  
16 but I don't recall actually hearing that. But  
17 probably I just didn't want to stay there any  
18 longer.

19 Q. Okay. And what -- do you know how long  
20 you were in the hospital?

21 A. I know I checked out probably close to  
22 midnight around there.

23 Q. How did you get from the hospital back to  
24 Angel Valley?

25 A. Two of the participants -- no. I think

1 **it was the Dream Team. They helped me back, like,**  
2 **drove me back.**

3 **Q.** Do you know their names?

4 **A.** **I know their faces but not their names.**

5 **I can't recall the names.**

6 **Q.** Did Mr. Ray come to visit you in the  
7 hospital?

8 **A.** **No.**

9 **Q.** Did you, then, leave Angel Valley to go  
10 back to Canada?

11 **A.** **My intention was to go get my stuff from**  
12 **Angel Valley and check into a hotel. I just didn't**  
13 **want to stay in the hospital or in Angel Valley.**  
14 **But I was informed that the shuttle to the airport**  
15 **would only pick me up from Angel Valley. So I did**  
16 **end up spending the night in Angel Valley.**

17 **Q.** When did you leave Angel Valley?

18 **A.** **In the morning.**

19 **Q.** Did you, then, fly back to Canada?

20 **A.** **Yes, I did.**

21 **Q.** How did you feel, once back in Canada,  
22 physically?

23 **A.** **I was very weak. Actually, the first**  
24 **couple of days, I've gone to the emergency because**  
25 **I felt my left side of my body was getting numb.**

1 **And they took me immediately. They did some tests,**  
2 **and there was no symptoms.**

3 **Q.** Did you continue to feel physical  
4 reactions to that sweat lodge ceremony?

5 **A.** **Yes, I did. Just extreme weakness. And**  
6 **the doctor said that probably my body has gone**  
7 **through a shock because of the dehydration.**

8 MR. LI: Objection. Move to strike as  
9 hearsay.

10 THE COURT: That's sustained and stricken.

11 **Q.** BY MS. POLK: Have you continued to  
12 receive medical follow-up care?

13 **A.** **As I'm sitting right now, I don't know if**  
14 **it's been cause from that. But I do have**  
15 **ulcerative colitis. Several months after that I**  
16 **was --**

17 MR. LI: Objection. Relevance.

18 THE COURT: Sorry, Mr. Mehravar.

19 Objection sustained.

20 **Q.** BY MS. POLK: Sir, I'm going to show you  
21 Exhibits 318, 321, and 322 and just ask you if  
22 you -- first of all, do you recognize what's  
23 depicted in these three photographs?

24 **A.** **Yes. That's the tent beside the sweat**  
25 **lodge tent.**

1 **Q.** Okay. And do you recognize in the second  
2 two photographs what that is?

3 **A.** **Yes. The electrolytes and fruits.**

4 MS. POLK: Your Honor, I move for the  
5 admission of 318, 321, and 322.

6 MR. LI: No objection.

7 THE COURT: 318, 321, and 322 are admitted.  
8 (Exhibits 318, 321, and 322 admitted.)

9 **Q.** BY MS. POLK: And, sir, I'm going to put  
10 up on the overhead Exhibit 318. What do you  
11 recognize this to be?

12 **A.** **That was a tent that was set up beside**  
13 **the sweat lodge tent that had the water and fruit.**

14 **Q.** And I'm going to put up Exhibit 321. You  
15 just mentioned water and fruit?

16 **A.** **That's correct.**

17 **Q.** Is this -- do you recognize this to be --

18 **A.** **That is correct. Yes.**

19 **Q.** And then I'm going to put up 322. Do you  
20 recognize that?

21 **A.** **Yes, I do.**

22 **Q.** Did you ever eat any of this fruit that's  
23 depicted in 322?

24 **A.** **No, I didn't.**

25 **Q.** Did you ever -- prior to entering the

1 sweat lodge, did you have anything to drink from  
2 that container?

3 **A.** **The electrolytes? No.**

4 **Q.** The electrolytes?

5 **A.** **No.**

6 **Q.** And I put back up on the overhead  
7 Exhibit 318. Do you know what is next to the  
8 container of electrolytes?

9 **A.** **Are we talking about the red one beside**  
10 **the container? Like, which one?**

11 **Q.** This one was the electrolytes, that  
12 second one. Do you recall?

13 **A.** **No.**

14 **Q.** Before entering Mr. Ray's sweat lodge  
15 ceremony, did you have anything to drink from  
16 either of these two containers?

17 **A.** **No, I did not.**

18 **Q.** Did you have anything to eat from that  
19 table?

20 **A.** **No.**

21 **Q.** When you entered Mr. Ray's sweat lodge  
22 ceremony, what was your intention?

23 **A.** **Well, the biggest one I had was to stop**  
24 **procrastinating. So if I say something that I**  
25 **promise myself, I fulfill it.**

1 Q. Did you intend to stay inside that tent  
2 for the entire sweat lodge structure?

3 A. Yes, I did.

4 Q. How did you feel about leaving?

5 A. Well, I'm going to say it was a  
6 disappointment to myself, but I couldn't stay  
7 longer. So at one point I had to -- I couldn't  
8 stay there longer.

9 Q. When you entered Mr. Ray's sweat lodge  
10 ceremony, did you think you would be safe inside?

11 A. Yes, I did.

12 Q. Did you believe Mr. Ray would take care  
13 of you?

14 A. Of course.

15 Q. And did you trust him?

16 A. Of course.

17 Q. We heard Mr. Ray's words yesterday in the  
18 audio about pushing your limits. Did you believe  
19 Mr. Ray when he told you it was a good thing to  
20 push your limits?

21 A. Yes, I did.

22 Q. And why?

23 A. Because I believed that's the only way  
24 you can grow, and I knew that with all my  
25 experiences with Mr. Ray before, he knew how far I

1 can go better than I know myself.

2 Q. You believed that Mr. Ray knew how far  
3 you could go better than you yourself knew  
4 yourself?

5 A. Absolutely.

6 Q. Why?

7 A. Mr. Ray always said that if you don't  
8 believe in yourself, believe in me because my faith  
9 will overshadow your doubts.

10 Q. You don't believe in yourself, believe in  
11 me, meaning Mr. Ray?

12 A. That's correct.

13 Q. And what was next?

14 A. Because my faith will overshadow your  
15 doubts.

16 Q. Mr. Ray's faith would overshadow your  
17 doubts?

18 A. That's right. Mr. Ray had mentioned that  
19 in many of his seminars. So it's not something  
20 that I've heard once.

21 Q. And did you believe him when he said  
22 that?

23 A. Of course.

24 Q. When you entered Mr. Ray's sweat lodge  
25 structure on Thursday, October 8, physically how

1 were you feeling?

2 A. I wouldn't say I was in my best shape  
3 because of the Vision Quest and -- you know -- not  
4 sleeping well during those few nights. But I  
5 wasn't feeling, like, dizzy or sick. But I was  
6 feeling fine.

7 Q. How much sleep had you had prior to  
8 entering that sweat lodge ceremony?

9 A. The idea of the Vision Quest was not to  
10 sleep when we were out, but I did sleep some. But  
11 I wasn't comfortable. So I wouldn't say it was a  
12 restful night. But probably I had three, four  
13 hours of sleep.

14 Q. And how about the other nights of the  
15 week of the Spiritual Warrior seminar?

16 A. I would say somewhere between four to six  
17 hours even though we were encouraged not to sleep.  
18 But sleep is something that I -- I can -- like, if  
19 I have to sleep, I have to sleep. That's one thing  
20 I cannot resist staying up. So I would say I  
21 probably had four to six hours sleep every night.

22 Q. Did the events of the week, including the  
23 breathing exercises, the meditation, the Samurai  
24 Game, and the Vision Quest, affect your mental  
25 attitude when you went into Mr. Ray's sweat lodge?

1 MR. LI: Objection. Leading.

2 THE COURT: Sustained.

3 Q. BY MS. POLK: Did the events of the week  
4 affect your mental attitude?

5 MR. LI: Same objection. Leading.

6 THE COURT: Sustained.

7 Q. BY MS. POLK: Were you affected,  
8 Mr. Mehravar, by the events of the week?

9 MR. LI: Same objection. Leading.

10 THE COURT: Sustained.

11 Q. BY MS. POLK: When you entered Mr. Ray's  
12 sweat lodge ceremony on Thursday, what was your  
13 mental attitude?

14 A. We have many different exercises in  
15 Mr. Ray's seminar, so I knew that it will be  
16 challenging. And all the different exercises we  
17 have done, some were not hard for me, were hard for  
18 others. It depends on what you fear. It could be  
19 the height or it could be walking on the fire. But  
20 at the end, they were all fine.

21 So going through the -- entering into the  
22 sweat lodge, I knew I liked to finish it because  
23 what it meant to me but also what -- I want to play  
24 full on because Mr. Ray always said it's not the  
25 ritual but what you bring to --

1 Q. I'm sorry. Will you repeat that last  
2 thing again.

3 A. **It's not the -- I don't know the**  
4 **English -- ritual. It's what you bring to ritual.**  
5 **What we heard yesterday on the tape as well.**

6 Q. It's not the ritual?

7 A. **It's what you bring to it. So Mr. Ray**  
8 **always say you play full on. So I just wanted to**  
9 **play full on to finish it.**

10 Q. And what did "play full on" mean?

11 A. **"Play full on" means that you give your**  
12 **100 percent and you don't -- your intention is to**  
13 **complete what is supposed to be completed.**

14 Q. And who was deciding for you what was  
15 supposed to be completed?

16 A. **Mr. Ray.**

17 THE COURT: I wanted to take a little bit  
18 earlier recess. There are technological  
19 difficulties going on, and someone may be able to  
20 remedy that.

21 MS. POLK: Okay.

22 THE COURT: So if this is a good time. If  
23 not, within the next five to ten minutes.

24 MS. POLK: This is a good time, Your Honor.

25 THE COURT: Okay.

1 Ladies and gentlemen, because we're going  
2 to work on some technology here in the courtroom,  
3 I'm going to take a recess a bit earlier. Please  
4 be reassembled in 20 minutes. And I hope we can  
5 get started pretty close to that time.

6 Remember the admonition, Mr. Mehravar.  
7 Remember the rule of exclusion. And you're  
8 excused.

9 (Recess.)

10 THE COURT: The record will show the presence  
11 of the defendant, Mr. Ray, the attorneys, and the  
12 jury.

13 The witness has returned to the stand.

14 Ms. Polk, you may continue.

15 MS. POLK: Thank you, Your Honor. The state  
16 has no further questions.

17 Thank you, Mr. Mehravar.

18 THE COURT: Thank you.

19 Mr. Li.

20 MR. LI: Yes, Your Honor. Thank you.

21 CROSS-EXAMINATION

22 BY MR. LI:

23 Q. Good morning.

24 A. **Good morning.**

25 Q. My name is Luis Li. I represent Mr. Ray

1 over here. Now, could you tell us a little bit  
2 about your background. Where are you from?

3 A. **I was born in Iran.**

4 Q. And where do you live now?

5 A. **Kitchener, Ontario, Toronto.**

6 Q. If you don't mind me asking, how old are  
7 you?

8 A. **43.**

9 Q. I'm 45. So catching up with each other.  
10 Tell us about your education a little.

11 A. **High school. And I have a license to be**  
12 **able to practice in real estate.**

13 Q. And you currently practice real estate in  
14 Kitchener, Ontario?

15 A. **That's correct.**

16 Q. And do you have a successful business?

17 A. **Yes, I do.**

18 Q. In fact, you were named the -- by the  
19 Waterloo Chronicle in 2009. You got the Reader's  
20 Choice Winner for Real Estate; correct?

21 A. **That is correct.**

22 Q. And you got first prize, which I think  
23 they call "diamond" or something like that.

24 A. **That's -- that was picked by the readers**  
25 **for that magazine. And it did not have any**

1 **trophies. But yeah. It was the first pick.**

2 Q. It's an award --

3 A. **Correct.**

4 Q. -- chosen by readers?

5 A. **That's correct.**

6 Q. And some of those readers are your  
7 clients, I take it?

8 A. **Yes.**

9 Q. And you have a number of clients, I take  
10 it?

11 A. **Yes, I do.**

12 Q. And you advise them on important  
13 decisions in their lives?

14 A. **When it comes to real estate, yes.**

15 Q. Yeah. How much is this house worth?

16 A. **That's correct.**

17 Q. You use your judgment?

18 A. **Yes, I do.**

19 Q. And they rely on your judgment?

20 A. **Most of the times. Yes.**

21 Q. Sometimes you tell them to pay a little  
22 less. Sometimes you tell them to pay a little more  
23 than they're willing to?

24 A. **Yes.**

25 Q. Now, some of these houses are fairly

- 1 expensive?
- 2 **A. Yes.**
- 3 **Q.** And -- you know -- a lot of folks, I
- 4 think, would consider their real estate purchases
- 5 to be one of the most important purchases in their
- 6 lives.
- 7 **A. That is correct.**
- 8 **Q.** And you are sort of the helper for them
- 9 to make one of the most important choices in their
- 10 lives.
- 11 **A. Yes.**
- 12 **Q.** And you're competent at doing that?
- 13 **A. Yes.**
- 14 **Q.** You've also won, I believe, a Canadian
- 15 Presidential Award for your real estate work?
- 16 **A. Yes.**
- 17 **Q.** And the International Diamond Award for
- 18 your work?
- 19 **A. That is correct.**
- 20 **Q.** And you've created a team called the
- 21 "Dennis Team" in Kitchener?
- 22 **A. That's correct.**
- 23 **Q.** And how many people are in your team?
- 24 **A. Aside from me, three more people.**
- 25 **Q.** Are they all agents?

- 1 **A. That is correct.**
- 2 **Q.** Now, do you have staff also?
- 3 **A. At this time, no. Just all agents.**
- 4 **Q.** Okay. But at some point you did?
- 5 **A. Yes, I did.**
- 6 **Q.** And what -- what did those other staff
- 7 members do?
- 8 **A. Assistant, helping with the paperwork,**
- 9 **filing, following up.**
- 10 **Q.** So you delegated certain things to --
- 11 **A. That is correct.**
- 12 **Q.** -- this assistant?
- 13 **A. Yes.**
- 14 **Q.** Now, you also take seminars, I think,
- 15 to always -- you always attend seminars to keep
- 16 your knowledge and skills updated?
- 17 **A. That is correct.**
- 18 **Q.** And these sorts of seminars relate to
- 19 real estate?
- 20 **A. Not always.**
- 21 **Q.** What else do they relate to?
- 22 **A. Self-improvement.**
- 23 **Q.** Okay. So other than JRI, James Ray
- 24 International, events, you've taken other
- 25 self-improvement events?

- 1 **A. No, I haven't.**
- 2 **Q.** Okay. So what about Tony Robbins?
- 3 **A. No. I haven't take any courses from Tony**
- 4 **Robbins.**
- 5 **Q.** Did you go and see a sort of a lecture
- 6 with Tony Robbins and Donald Trump?
- 7 **A. No. I actually -- the day I was there, I**
- 8 **don't think Tony Robbins was there.**
- 9 **Q.** What about Donald Trump?
- 10 **A. I stayed for the -- Donald Trump's talk**
- 11 **at the end of the seminar. Yes.**
- 12 **Q.** So Donald Trump -- you did attend a
- 13 seminar with Donald Trump?
- 14 **A. I wouldn't say seminar. It was, like,**
- 15 **two hours talk that he talked.**
- 16 **Q.** And he had some things to offer you about
- 17 making money and those sorts of things?
- 18 **A. That's correct.**
- 19 **Q.** And these -- these things are helpful to
- 20 you for several reasons. They help you develop
- 21 leadership skills?
- 22 **A. That's correct.**
- 23 **Q.** They help you develop confidence?
- 24 **A. That is correct.**
- 25 **Q.** Have -- do you do any sports?

- 1 **A. At this moment, no. I don't.**
- 2 **Q.** Okay. Previously did you do sports?
- 3 **A. Yes, I did.**
- 4 **Q.** What kind of sports?
- 5 **A. I've done martial arts. I've also done**
- 6 **soccer.**
- 7 **Q.** Okay. Let's talk about soccer for a
- 8 second. Have you played soccer your whole life?
- 9 **A. Yes -- I would say yes.**
- 10 **Q.** Okay. Do your kids -- you have two boys,
- 11 I take it?
- 12 **A. That's correct.**
- 13 **Q.** Do they play -- we have what's called
- 14 "AYSO" here in the United States. American Youth
- 15 Soccer. Do they play something similar like that
- 16 in Canada?
- 17 **A. My oldest one does. Yes.**
- 18 **Q.** Okay. And how long has he been playing
- 19 soccer?
- 20 **A. I would say four or five years.**
- 21 **Q.** All right. So when I sign my daughter up
- 22 for soccer, I've got to sign a waiver. And I have
- 23 to say -- you know -- I'm her guardian. Do you
- 24 have to do the same thing in Canada?
- 25 **A. I believe so.**

- 1 Q. Can we talk for a second about your  
2 martial arts experience?  
3 A. Yes.  
4 Q. What discipline?  
5 A. Kung fu.  
6 Q. Kung fu. And that's a Chinese  
7 discipline; correct?  
8 A. That is correct.  
9 Q. And how long had you -- have you -- had  
10 you been doing kung fu?  
11 A. Well, I started in Iran a different  
12 discipline. And when I came to Canada, I did a  
13 different discipline.  
14 Q. So what are we talking about? Five  
15 years? Ten years? Twenty years?  
16 A. In Iran probably three, four years. And  
17 in Canada about maybe two years.  
18 Q. So fiveish years?  
19 A. Yes.  
20 Q. And when I was a kid, I wanted to be like  
21 Bruce Lee. Is it that kind of kung fu?  
22 A. I don't know.  
23 Q. Is there kicking?  
24 A. Yes.  
25 Q. And is there punching?

- 1 A. That is correct.  
2 Q. And is there sparring?  
3 A. Yes, it is.  
4 Q. And usually one on one?  
5 A. That is correct.  
6 Q. Are there -- you know, some of them have  
7 weapons of various sorts?  
8 A. Yes.  
9 Q. And knives?  
10 A. That's correct.  
11 Q. Nunchucks?  
12 A. Yes.  
13 Q. Big swords?  
14 A. Yes.  
15 Q. Spears?  
16 A. That is correct.  
17 Q. All of those sorts of things.  
18 Now, you trained in all of that, didn't  
19 you?  
20 A. No. I didn't do any weapons. And  
21 sparring was done with full protection gear. And  
22 we weren't allowed to hit hard. It was just  
23 tapping.  
24 Q. Right. But you're throwing people too;  
25 right?

- 1 A. No. No throwing.  
2 Q. You don't -- you don't grab people and  
3 put them on the ground?  
4 A. No.  
5 Q. So you just touch each other like that?  
6 A. Yeah. Actually, if you hit hard, you're  
7 disqualified. It's not a full contact.  
8 Q. Okay. But you're wearing padding?  
9 A. That is correct.  
10 Q. And before you -- you sign up for these  
11 events, you sign a waiver; right?  
12 A. That is correct.  
13 Q. Because even if you're just sort of  
14 touching each other, you can hurt each other by  
15 accident?  
16 A. That is correct.  
17 Q. And people have died doing karate and  
18 kung fu; correct?  
19 A. I'm sure in the history, yes. But not  
20 that I'm aware of personal.  
21 Q. But when you sign -- you're signing a  
22 waiver because you don't -- because everybody knows  
23 people can be hurt doing kung fu; right?  
24 A. Yes.  
25 Q. It is essentially -- even though you're

- 1 supposed to only touch each other, it is,  
2 essentially, a form of martial, which means war,  
3 art; right?  
4 A. Correct.  
5 Q. And you're fighting, essentially?  
6 A. Correct.  
7 Q. Now, your -- your -- your boys also do  
8 this?  
9 A. No longer.  
10 Q. Okay. But they did?  
11 A. That is correct.  
12 Q. And, in fact, your -- you and your two  
13 boys were on the Canadian martial arts team?  
14 A. That is correct.  
15 Q. And you competed in the Goodwill Games in  
16 2007?  
17 A. That is correct.  
18 Q. And those -- your two boys are minors --  
19 A. Yes.  
20 Q. -- meaning under the age of 18?  
21 A. Yes.  
22 Q. And so in order for them to participate  
23 in things like the Goodwill Games, you had to sign  
24 a waiver?  
25 A. That is correct.

1 Q. Now, part of martial arts, would you  
2 agree with me, is about having dignity?  
3 A. Yes.  
4 Q. And having self-confidence?  
5 A. That is correct.  
6 Q. That you're in control of your own self?  
7 A. Yes.  
8 Q. And your own body?  
9 A. Correct.  
10 Q. And you are responsible for your actions  
11 as a martial artist; correct?  
12 A. That is correct.  
13 Q. And so, for instance, when you're  
14 sparring with somebody, if the rule is no matter  
15 how irritated you are at what that guy just did,  
16 you can't just haul out and deck him in the face,  
17 can you?  
18 A. Yes.  
19 Q. And that's -- that's part of controlling  
20 yourself; correct?  
21 A. That is correct.  
22 Q. You're not supposed to learn martial arts  
23 and go out on the street and pick fights with  
24 people, are you?  
25 A. No, you're not.

1 Q. It's about personal responsibility?  
2 A. That is correct.  
3 Q. Now, you signed up for the Spiritual  
4 waiver -- I'm sorry -- Spiritual Warrior seminar,  
5 the 2009 seminar, in 2008; correct?  
6 A. That is correct.  
7 Q. And after you signed up for it, you were  
8 sent a package of information; correct?  
9 A. Yes.  
10 Q. And that was the Spiritual Warrior  
11 information package?  
12 A. Yes.  
13 Q. And in that package was a waiver;  
14 correct?  
15 A. That is correct.  
16 MR. LI: Your Honor, if I may have a moment to  
17 grab a couple of exhibits.  
18 THE COURT: You may do that.  
19 MR. LI: Thank you. Thank you, Your Honor.  
20 Q. I'm going to place in front of you what's  
21 been marked as Exhibits 190 and 191. Now, when did  
22 you get the Spiritual Warrior information package?  
23 A. I don't remember.  
24 Q. Over the summer?  
25 A. Probably.

1 Q. Well before you came -- went to the  
2 seminar; right?  
3 A. Yes.  
4 Q. And did you read it?  
5 A. Partially.  
6 Q. Did you read the waivers?  
7 A. No, I didn't.  
8 Q. Why not?  
9 A. I've gone to all the seminars. And all I  
10 knew that we all have to sign a waiver before each  
11 of them. And I've attended many of them as a  
12 volunteer, and I never seen anybody get hurt. So I  
13 knew they have to do it, sign a release form. But  
14 I didn't read it completely. No.  
15 Q. But you didn't -- you didn't care one way  
16 or another about the waivers. Is that what you're  
17 telling me?  
18 A. Well, I knew if I wanted to participate,  
19 I'd have to sign them. So I wanted to participate,  
20 so I knew I had to sign the waivers.  
21 Q. Did you read the waivers when you were  
22 about to get into martial arts tournaments?  
23 A. No.  
24 Q. You don't care about those either?  
25 A. Martial arts tournaments are -- even if

1 you hit the other opponent's head, you are  
2 disqualified. So they are very friendly games and  
3 there's no --  
4 Q. And you don't care about the waivers you  
5 sign for your boys either, do you? Is that what  
6 you're saying?  
7 A. Again, I've -- I've watched them many  
8 times. And they're very, very mild games. There  
9 is no violence.  
10 Q. All right. So 190 is a waiver form that  
11 you signed on October 3rd, 2009?  
12 A. That is correct.  
13 Q. And this -- this is the waiver form that  
14 was sent to you as part of that Spiritual Warrior  
15 package?  
16 A. That is correct.  
17 Q. This waiver is from JRI?  
18 A. That is correct.  
19 Q. The company; right?  
20 A. That is correct.  
21 Q. And then there's another waiver form,  
22 191, which was sent to you in that same package  
23 over the summer?  
24 A. I don't know.  
25 Q. And this is a waiver form that you signed

1 on October 3rd, 2009. And it's from Angel Valley;  
2 correct?

3 **A. That is correct. That's my secretary's**  
4 **signature.**

5 **Q.** Now, I'm going to focus your attention,  
6 if I could, on page -- the first page of the waiver  
7 form. Essentially, it says that -- well, first, it  
8 says, Please read carefully. So did you read it  
9 carefully?

10 **A. No, I didn't.**

11 **Q.** Okay. Then it says right here -- I'm  
12 going to mark it -- that you are waiving all  
13 liability for injuries including or resulting in  
14 death. That's part of the waiver form, isn't it?

15 **A. Yes. I can see that.**

16 MS. POLK: Your Honor, excuse me. Pursuant to  
17 106, I would ask that he not cut off the entire  
18 wording of that sentence.

19 THE COURT: Okay. I think it's all displayed  
20 at this point. It can be highlighted as  
21 appropriate for certain language.

22 MS. POLK: Your Honor, it is not displayed,  
23 the part about whether caused by negligence.

24 MR. LI: Yeah.

25 THE COURT: Okay.

1 MR. LI: Your Honor, that's fine with me.

2 THE COURT: And to make it easy; right?

3 MR. LI: I just want the jury to be able to  
4 read it because it's pretty far away. But it says,  
5 resulting in deaths whether caused by negligence or  
6 otherwise.

7 **Q.** You signed this waiver, didn't you?

8 **A. Yes, I did.**

9 **Q.** Now, further on below it says, I am fully  
10 aware and understand that I will be given the  
11 opportunity by the company, JRI, to participate in  
12 physical, emotional, and other activities.

13 Do you see that line?

14 **A. Yes.**

15 **Q.** And it includes physical exercise, like  
16 hiking, yoga, team games?

17 **A. Yes.**

18 **Q.** And, in fact, at the Spiritual Warrior  
19 seminar, you did do some yoga and team games, maybe  
20 you did some hikes too?

21 **A. Yes.**

22 **Q.** And then Holotropic Breathwork, a  
23 psychotherapeutic approach believed to allow access  
24 to nonordinary states of consciousness. You did  
25 that too?

1 **A. That's correct.**

2 **Q.** And then it says, a sweat lodge ceremony,  
3 a ceremonial sauna involving tight, enclosed spaces  
4 and intense temperatures.

5 **A. Yes.**

6 **Q.** You did that exercise also -- you chose  
7 to do that exercise also at the Spiritual Warrior  
8 seminar; correct?

9 **A. Yes.**

10 **Q.** And it did involve tight, enclosed spaces  
11 and intense temperatures?

12 **A. Yes, it did.**

13 **Q.** And then you were also offered the  
14 opportunity to choose to do a Vision Quest?

15 **A. That is correct.**

16 MR. LI: And can everybody see that?

17 **Q.** Vision Quest, a multi-day, solitary,  
18 personal, spiritual quest in the wilderness?

19 **A. Yes.**

20 **Q.** And you did -- it was a multi -- well, it  
21 wasn't exactly a multi-day, but it was two nights  
22 and a day.

23 **A. That's correct.**

24 **Q.** And it was out in the desert with no  
25 water or food?

1 **A. That is correct.**

2 **Q.** Now just -- just on that point, did  
3 anybody check your bags before you go out there?

4 **A. No.**

5 **Q.** So you could have taken some water if you  
6 wanted?

7 **A. I could have.**

8 **Q.** You could have taken some food if you  
9 wanted to?

10 **A. That is correct.**

11 **Q.** Were there -- was there anybody standing  
12 over you making sure you stayed in your circle?

13 **A. No.**

14 **Q.** Anybody making sure you -- you wrote in  
15 your journal?

16 **A. No.**

17 **Q.** Anybody making sure you stayed awake or  
18 went to sleep or anything like that?

19 **A. No.**

20 **Q.** It's all pretty much up to you what to  
21 do?

22 **A. That is correct.**

23 **Q.** Then it says, I am fully aware that I may  
24 suffer physical, emotional, financial, or other  
25 injury, and there can be no assurance or guarantee



1 regarding my health or safety in connection with my  
2 participation in the activity.

3 **A. That is correct.**

4 **Q.** And it says, I understand that there are  
5 inherent risks in the activities. People may have  
6 been seriously injured by participating in the  
7 activities, and if I voluntarily choose to  
8 participate in the activities, there is a risk that  
9 I may receive injuries requiring medical attention.

10 **A. Yes.**

11 **Q.** And that's part of your waiver too?

12 **A. That is correct.**

13 **Q.** And then it says, I fully understand and  
14 acknowledge that there is no requirement whatsoever  
15 that I participate in the activities.

16 **A. Yes.**

17 **Q.** There was no requirement whatsoever --  
18 right? -- Mr. Mehravar, that you participate in any  
19 of the activities?

20 **A. No.**

21 **Q.** Mehravar. I'm sorry. There was no  
22 requirement that you participate in any of the  
23 activities?

24 **A. No.**

25 **Q.** You chose to participate in the

1 activities?

2 **A. That is correct.**

3 **Q.** Just like the waiver says?

4 **A. Yes.**

5 **Q.** It also says, if I do choose to  
6 participate in any of the activities, I affirm that  
7 I have not nor will I be coerced or persuaded in  
8 any way to do so.

9 **A. Yes. I can see that.**

10 **Q.** You were not persuaded or coerced in any  
11 way to do so, were you? You chose to do it?

12 **A. Well, I wouldn't say persuade. But**  
13 **encourage, yes.**

14 **Q.** Yeah. You were encouraged?

15 **A. That's correct.**

16 **Q.** You were given the opportunity?

17 **A. That's correct.**

18 **Q.** Just like it says at the top of the  
19 waiver, I will be given the opportunity?

20 **A. Yes.**

21 **Q.** You were not coerced, were you?

22 **A. What do you mean by "coerced"?**

23 **Q.** Well, I --

24 **A. Forced?**

25 **Q.** Yeah. Coerced I think --

1 **A. No. I wasn't forced. I was encouraged**  
2 **just like any other activities in any other**  
3 **seminars.**

4 **Q.** Let me -- let me give an example of what  
5 I mean by encouraged: Come on. You can do it.  
6 That's encouragement; right?

7 **A. That is correct.**

8 **Q.** Coercion is, if you don't do it, I'm  
9 going to shoot you.

10 **A. No. Okay.**

11 **Q.** So you weren't coerced, were you?

12 **A. No.**

13 **Q.** Then it says, and I assume full  
14 responsibility for and risk of injury sustained in  
15 connection with the activities whether caused by  
16 negligence by the releasees, which is the company,  
17 or otherwise.

18 **A. Yes.**

19 **Q.** Did you have any problems understanding  
20 that?

21 **A. No.**

22 **Q.** Now, I'm going to spend a little more  
23 time on this. Underneath that paragraph about the  
24 activities, there's another paragraph that says, I  
25 also understand that the company does not purport

1 to offer any medical, psychological, therapeutic,  
2 religious, or other professional advice at the  
3 event and that the information provided at the  
4 event is not a suitable -- is not a substitute for  
5 professional, psychological, psychiatric care.

6 Do you see that?

7 **A. Yes, I do.**

8 **Q.** And what that means is this is an  
9 opportunity to give you a bunch of ideas that you  
10 can choose from if you want or not use if you don't  
11 want; right?

12 **A. That is correct.**

13 **Q.** It's not a medical treatment center, is  
14 it?

15 **A. No, it's not.**

16 **Q.** It's not a psychological treatment  
17 center, is it?

18 **A. No.**

19 **Q.** It's not a therapeutic treatment center,  
20 is it?

21 **A. No.**

22 **Q.** It's not a religious center, is it?

23 **A. No.**

24 **Q.** It is simply offering you ideas that you  
25 can choose from or reject?

1 **A. That is correct.**  
 2 **Q.** And, in fact, there -- you know, I don't  
 3 have the book. But there are a lot of places in  
 4 various of Mr. Ray's works where he says choose  
 5 what you feel is right? Leave the rest?  
 6 **A. That's correct.**  
 7 **Q.** And, in fact, that's what he says all the  
 8 time in his seminars. Hey. I'm just giving you an  
 9 idea. If it works for you, go for it. If you  
 10 don't like it, forget about it.  
 11 **A. Yes.**  
 12 **Q.** He doesn't tell you you've got to believe  
 13 in what I tell you, does he?  
 14 **A. No. Not like that. No.**  
 15 **Q.** No. He encourages you. He says, look,  
 16 this is what worked for me. I think it's a good  
 17 idea; right?  
 18 **A. That is correct.**  
 19 **Q.** And then you're free to say, hey, I agree  
 20 with you or that doesn't work for me at all.  
 21 **A. Yes.**  
 22 **Q.** Because he's not offering you religious  
 23 or psychological or medical or professional advice,  
 24 is he?  
 25 **A. My understanding was it was. But I guess**

1 **it's not.**  
 2 **Q.** But then it says, I agree -- and when I  
 3 say "I," it means you. You agree that under no  
 4 circumstances shall the releasee, which is the  
 5 company and Mr. Ray and a bunch of other folks, be  
 6 liable to me based on my use or misuse and/or  
 7 reliance on any information provided to me at the  
 8 event.  
 9 **A. Yes.**  
 10 **Q.** And I assume full responsibility for and  
 11 risk of any injury, whether personal, financial, or  
 12 otherwise, that I might incur based on such use,  
 13 misuse, or reliance thereon.  
 14 Do you see that?  
 15 **A. No. Could you point it out for me,**  
 16 **please?**  
 17 **Q.** Yes. Sorry.  
 18 **A. Okay. Yes. I can see it now.**  
 19 **Q.** Okay. And the point of that is these are  
 20 just ideas. You can use them, misuse them,  
 21 whatever you want to do with them. But that's your  
 22 responsibility?  
 23 **A. Yes.**  
 24 **Q.** And you personally accept full  
 25 responsibility. Isn't that what it says?

1 **A. That's correct.**  
 2 **Q.** Then there's some stuff underneath. I'm  
 3 not going to dwell on it. But it says, I  
 4 understand that meals may be served at irregular  
 5 hours and times may be long and you may have to --  
 6 you know -- the seminar may last from 8:00 to  
 7 midnight or later.  
 8 **A. Yes.**  
 9 **Q.** And that's exactly what happened;  
 10 correct?  
 11 **A. That is correct.**  
 12 **Q.** Just one question. You say -- I think at  
 13 some point you say you didn't really get any sleep.  
 14 But you actually got what? Four to six hours of  
 15 sleep?  
 16 **A. No. I said that we were encouraged not**  
 17 **to sleep. But I cannot -- like, I have to have my**  
 18 **sleep. So I did sleep from four to six hours.**  
 19 **Q.** Four to six hours.  
 20 And let me just ask you this: I mean,  
 21 you're a parent. When you had your boys when they  
 22 were -- well, I guess when they were really small,  
 23 you didn't even get that many hours of sleep, did  
 24 you?  
 25 **A. No.**

1 **Q.** Okay. And you were able to do your job  
 2 and live your life; right?  
 3 **A. Yes.**  
 4 **Q.** And make decisions and all of that;  
 5 right?  
 6 **A. Yes.**  
 7 **Q.** Now, the last thing I will just note --  
 8 and I'm not going to dwell on it. But at the  
 9 bottom of this right above where you signed it --  
 10 **A. Uh-huh.**  
 11 **Q.** -- it says, I acknowledge that I have  
 12 been given the opportunity by the company to ask  
 13 questions, and I've carefully and completely read  
 14 and fully understand all aspects of this.  
 15 **A. Yes.**  
 16 **Q.** And, in fact, that's a document you meant  
 17 that you -- you signed right underneath there;  
 18 right?  
 19 **A. That is correct.**  
 20 **Q.** With a witness?  
 21 **A. Yes.**  
 22 **Q.** Okay. Now, I'm going to put the other  
 23 waiver that you also signed up on the projector.  
 24 This is Exhibit 191. And I'm not going to dwell on  
 25 it. It's hard to read. But it's, essentially, the

1 same sort of language where you are, essentially,  
 2 agreeing to be responsible for all of your  
 3 decisions and activities while on the property.  
 4 **A. That's correct.**  
 5 **Q.** And -- and this one was from Angel  
 6 Valley, which is the retreat center at which this  
 7 seminar was held; correct?  
 8 **A. Yes.**  
 9 **Q.** And you know that Mr. Ray and JRI -- they  
 10 don't own Angel Valley; right?  
 11 **A. That's correct.**  
 12 **Q.** And -- and you know that they actually  
 13 rent Angel Valley for whatever, a week or five  
 14 days, something like that. Correct?  
 15 **A. Yes.**  
 16 **Q.** And you pay room and board to Angel  
 17 Valley; correct?  
 18 **A. I did not pay anything to Angel Valley.**  
 19 **Q.** Okay. So you -- but you understand that  
 20 it has to be -- they don't do it for free; right?  
 21 **A. That is correct.**  
 22 **Q.** So somehow the money that you're paying  
 23 has to eventually go to them; right?  
 24 **A. Part of it I believe. Yes.**  
 25 **Q.** Now, I'd like you to focus just for one

1 second on paragraph 3 in which Angel Valley also  
 2 says --  
 3 And I don't know if folks can read this.  
 4 I understand that no Angel Valley party  
 5 is making any evaluation or recommendation  
 6 regarding the treatment of any medical condition or  
 7 my physical or mental fitness for any program or  
 8 activity. It is my sole responsibility to consult  
 9 with a physician to determine if any of these  
 10 medical conditions exist, if any -- if my physical  
 11 fitness is sufficient, and whether such conditions  
 12 pose a direct threat to my health and safety or to  
 13 the health and safety of others. It says that?  
 14 **A. Yes, it does.**  
 15 **Q.** And you -- you signed that?  
 16 **A. That is correct.**  
 17 **Q.** Now, I want to take you back to your  
 18 kung fu tournaments.  
 19 **A. Yes.**  
 20 **Q.** Okay. They have the exact same language  
 21 in those waiver forms too, don't they?  
 22 **A. That is correct.**  
 23 **Q.** They say look, if you've got a medical  
 24 condition or something, that's your responsibility;  
 25 right?

1 **A. I don't have one in front of me now, but**  
 2 **the short of it is yes.**  
 3 **Q.** Yes. I mean -- and they don't say, oh.  
 4 We're responsible. You know, if you come to our  
 5 kung fu tournament -- you know -- the people who  
 6 put on the kung fu tournaments, they're responsible  
 7 to make sure that you're healthy enough to do this?  
 8 **A. That is correct.**  
 9 **Q.** You're responsible for yourself; right?  
 10 **A. Yes. But also in kung fu, your master**  
 11 **knows when you are ready for the tournament or what**  
 12 **level has to be done.**  
 13 **Q.** Does your master, quote, unquote, force  
 14 you to go to the tournament?  
 15 **A. No.**  
 16 **Q.** What your teacher says is, hey, I think  
 17 you're ready?  
 18 **A. That is correct.**  
 19 **Q.** That's what coaches do; right?  
 20 **A. Yes.**  
 21 **Q.** If you're playing soccer, the same thing.  
 22 Your coach says get out there. You're ready. Go.  
 23 **A. Yes.**  
 24 **Q.** The player decides whether they're going  
 25 to play or not; right?

1 **A. That is correct.**  
 2 **Q.** I can't force my daughter to play soccer,  
 3 can I? She's seven.  
 4 **A. I don't know. Maybe you can.**  
 5 **Q.** I'll tell you. I can't. Now, sir,  
 6 you've probably been -- heard some things in the  
 7 media about this case; right?  
 8 **A. No. I have not watched the news or**  
 9 **looked at any material regarding this.**  
 10 **Q.** Actually, you were on the news, though,  
 11 weren't you?  
 12 **A. I was interviewed by Dateline before the**  
 13 **trial started.**  
 14 **Q.** Right. So it -- it is true that -- well,  
 15 did you watch yourself after the show?  
 16 **A. Yes, I did.**  
 17 **Q.** So -- so you have actually seen some  
 18 media about this case; right?  
 19 **A. Again, not after the trial started --**  
 20 **Q.** I understand.  
 21 **A. -- but before yes.**  
 22 **Q.** Before the trial started?  
 23 **A. Of course. Yes.**  
 24 **Q.** Okay. Before the trial started, you had  
 25 seen a lot of media about this case?

1 **A. Not a lot, but some.**  
 2 **Q.** Well, including the one that you were on?  
 3 **A. That is correct.**  
 4 **Q.** And that was on June 12th, 2010?  
 5 **A. I don't know the date, but I was on it.**  
 6 **So it was Dateline.**  
 7 **Q.** Summer of 2010?  
 8 **A. That is correct.**  
 9 **Q.** And there was another participant by the  
 10 name of Beverly Bunn?  
 11 **A. That is correct.**  
 12 **Q.** She was also on the show?  
 13 **A. That is correct.**  
 14 **Q.** And you -- would you agree with me that  
 15 some of the portrayals you've seen in the media --  
 16 and I'll exempt your own sort of interview. But  
 17 just other portrayals you may have seen in the  
 18 media. Would you agree with me that not all of it  
 19 is accurate?  
 20 **MS. POLK:** Your Honor, objection to this line  
 21 of questioning. It's not relevant. It's  
 22 out-of-court information. It's speculative. There  
 23 is no foundation for this witness to be agreeing to  
 24 anything about a media's portrayal of what happened  
 25 in that --

1 **THE COURT:** Sustained as to foundation.  
 2 **Q.** BY MR. LI: You've seen media on this?  
 3 **A. That is correct.**  
 4 **Q.** How many episodes or how much news? How  
 5 many TV shows?  
 6 **A. I saw the one I was in it once only.**  
 7 **Aside from that, I have seen a clip when Mr. Ray**  
 8 **was arrested and maybe a couple of seconds of you**  
 9 **make making a comment.**  
 10 **Q.** Okay. And would you agree with me --  
 11 well, I'll move on. But I guess the basic question  
 12 I was going to ask you is -- well, I'll just ask  
 13 you directly. Are you a cult follower?  
 14 **A. No, I'm not.**  
 15 **Q.** Well, were the people that you were doing  
 16 it with, doing these various seminars -- are they  
 17 cult followers?  
 18 **MS. POLK:** Objection. Foundation.  
 19 **THE COURT:** Sustained.  
 20 **Q.** BY MR. LI: But you're not a cult  
 21 follower?  
 22 **A. No, I am not.**  
 23 **Q.** Now, you've met a lot of folks at these  
 24 various events; correct?  
 25 **A. That is correct.**

1 **Q.** And you've become good friends with some  
 2 of them?  
 3 **A. Become friends with some of them. Yes.**  
 4 **Q.** Some of them are business contacts?  
 5 **A. No. I don't have any business contacts.**  
 6 **Q.** Not through -- not through this?  
 7 **A. No.**  
 8 **Q.** But you wouldn't be adverse to meeting  
 9 business contacts through this?  
 10 **A. Yes.**  
 11 **Q.** Say somebody moves to Toronto and wants  
 12 to buy a house. Might be a good person to meet?  
 13 **A. Again, no. Because real estate is where**  
 14 **you are. So I'm, what, 50 minutes away from**  
 15 **Toronto. So that wouldn't work.**  
 16 **Q.** Okay. My geography is off. I just mean  
 17 if somebody moves up into that neighborhood and  
 18 they want to move out to Kitchener or Waterloo --  
 19 **A. Yes. Yes.**  
 20 **Q.** -- that might be a good person to meet?  
 21 **A. That's correct.**  
 22 **Q.** And these folks come from all walks of  
 23 life; correct?  
 24 **A. That is correct.**  
 25 **Q.** You got doctors?

1 **A. Yes.**  
 2 **Q.** In fact, at the Spiritual Warrior seminar  
 3 in 2009, there were three doctors, weren't there?  
 4 **A. I don't know.**  
 5 **Q.** Dr. Nell Wagoner?  
 6 **A. I don't know.**  
 7 **Q.** Dr. Jeanne Armstrong?  
 8 **A. I don't know.**  
 9 **Q.** Dr. Soheyla Marzvaan?  
 10 **A. Again, I don't know.**  
 11 **Q.** Did you know that Ms. Marzvaan, or  
 12 Dr. Marzvaan, left after the Vision Quest?  
 13 **A. Yes. I know. She's a dentist. Yes. I**  
 14 **know.**  
 15 **Q.** And she decided, I don't want to do this  
 16 anymore?  
 17 **A. That is correct.**  
 18 **Q.** And I think it was her sister too?  
 19 **A. That is correct.**  
 20 **Q.** And the two of them just -- they didn't  
 21 want to do this anymore, so they left.  
 22 **A. Yes.**  
 23 **Q.** Now, many of the folks you've met are  
 24 smart and educated people; correct?  
 25 **A. That is correct.**

1 Q. Now, let me focus for a second. You said  
 2 you volunteered to work for JRI at various events?  
 3 A. **That is correct.**  
 4 Q. Now -- and that's called "dream teaming"?  
 5 A. **That is right.**  
 6 Q. And I think it was three or four events?  
 7 A. **That is correct.**  
 8 Q. And they were at hotels, I take it?  
 9 A. **Yes.**  
 10 Q. What kind of hotels?  
 11 A. **Big.**  
 12 Q. Big hotels?  
 13 A. **Yes. Big hotels. Yes.**  
 14 Q. Big conference room?  
 15 A. **That is correct.**  
 16 Q. Did JRI own these hotels?  
 17 A. **No, they didn't.**  
 18 Q. Okay. So somebody went and rented them;  
 19 right?  
 20 A. **That is correct.**  
 21 Q. From the company?  
 22 A. **Yes.**  
 23 Q. And would that be Megan or Josh or  
 24 somebody else? Who are the people who are sort of  
 25 dealing with the operational aspects?

1 A. **I don't know who would rent out the**  
 2 **hotels. But I know Megan and Josh were one of the**  
 3 **people that work for JRI.**  
 4 Q. And just like you would delegate to your  
 5 assistant and others paperwork and what have you;  
 6 right?  
 7 A. **That's correct.**  
 8 Q. These folks had jobs?  
 9 A. **That's correct.**  
 10 Q. And there were actually 27 people working  
 11 at James Ray International?  
 12 A. **I don't know the numbers.**  
 13 Q. But it was a sizeable company?  
 14 A. **That is correct.**  
 15 Q. And these -- like your company, different  
 16 people have different jobs; that company, different  
 17 people had different jobs?  
 18 MS. POLK: Your Honor, objection to this line  
 19 of speculative questioning.  
 20 THE COURT: Sustained.  
 21 Q. BY MR. LI: Well, you were working  
 22 with -- as a volunteer for this company; right?  
 23 A. **Yes.**  
 24 Q. And you saw people figuring out how many  
 25 chairs there should be?

1 A. **That is correct.**  
 2 Q. Where the sound system should go?  
 3 A. **Yes.**  
 4 Q. Who should stand where?  
 5 A. **Yes.**  
 6 Q. Did you see people taping out -- you  
 7 know -- where the microphone might be for Mr. Ray  
 8 when he's up at the stage?  
 9 A. **That's correct.**  
 10 Q. And that wasn't Mr. Ray who was doing  
 11 that, was it?  
 12 A. **No.**  
 13 Q. No. It was people who worked for the  
 14 company --  
 15 A. **Yes.**  
 16 Q. -- correct? And they were -- that's  
 17 their job. They figure out how to run the lines  
 18 for the microphones; correct?  
 19 A. **Yes.**  
 20 Q. Did you ever see Mr. Ray figuring out --  
 21 standing out there in the conference room in the  
 22 four or five -- three or four seminars that you  
 23 dreamed teamed at or any of the ones you attended,  
 24 did you see him figuring out where the microphones  
 25 should go or the chairs should go or any of that?

1 A. **Mr. Ray would always come whenever the**  
 2 **room was set to look around to make sure everything**  
 3 **is to his liking.**  
 4 Q. Right. Because -- but other people would  
 5 set it up?  
 6 A. **That is correct.**  
 7 Q. Mr. Ray is like -- you know -- he's the  
 8 MC, the master of ceremonies; correct?  
 9 A. **That is correct.**  
 10 Q. He's not the operational guy, is he?  
 11 A. **I don't know what you mean by**  
 12 **"operational guy."**  
 13 Q. Well, the guy who's in charge of all of  
 14 the logistics.  
 15 MS. POLK: Objection, Judge. Speculation.  
 16 Foundation.  
 17 THE COURT: Sustained.  
 18 Q. BY MR. LI: Did you ever see Mr. Ray  
 19 dealing with the logistics?  
 20 A. **No. But Mr. Ray would tell what**  
 21 **temperature a room has to be, if it's too hot, too**  
 22 **cold, if it's -- anything to make sure that it's**  
 23 **the way he want it to be. But, no. I have never**  
 24 **seen Mr. Ray physically moving a chair or doing**  
 25 **anything like that.**

1 Q. Figuring out how much Gatorade there  
2 should be?

3 A. No.

4 Q. Now, if we could talk for a second about  
5 Spiritual Warrior.

6 May I approach, Your Honor?

7 THE COURT: Yes.

8 MR. LI: Thank you.

9 Q. Mr. Mehravar, this is a brochure,  
10 Exhibit 138, relating to Spiritual Warrior.

11 A. Okay.

12 Q. Does this look familiar to you?

13 A. Yes, it does.

14 Q. And this is the brochure that you looked  
15 at in order to sign up for this particular event;  
16 correct?

17 A. That's correct. That is correct.

18 Q. I'm just going to zoom up on a particular  
19 set of words. I'll zoom back so the rest of it can  
20 be seen. But I just want to make sure folks can  
21 read this.

22 See right here? You'll define and  
23 enforce your own boundaries. Was that one of your  
24 goals for Spiritual Warrior?

25 A. No.

1 Q. Well, is that one of the goals that this  
2 brochure advertises?

3 A. Yes.

4 Q. To define and enforce your own boundaries  
5 without someone else telling you what -- I'm sorry.  
6 Probably getting vertigo -- what they should be?

7 A. That's what the brochure says. Yes.

8 Q. And that's consistent, is it not, with  
9 the overall philosophy of these various seminars  
10 you go to, that you, as an individual, define and  
11 are in charge of your own life; correct?

12 A. Yes. We are in charge of our own life.  
13 That's correct.

14 Q. And you define the boundaries?

15 A. You define the boundaries. But Mr. Ray  
16 is the one that encouraged. And that's one of the  
17 reason I gone to the seminar that you -- you have  
18 to push the boundaries. If you're not growing, you  
19 are dying. And the best -- the perfect place to  
20 grow is between chaos and calmness. So you cannot  
21 just be in your comfort zone. You have to be  
22 uncomfortable to grow.

23 Q. And you agree with that, don't you?

24 A. I do agree with that.

25 Q. That's like lifting weights, for

1 instance. Have you lifted weights before?

2 A. Yes, I have.

3 Q. Okay. So when you lift weights, you  
4 lift -- if you bench press 10 pounds every day just  
5 like this, you're not going to get any stronger,  
6 are you?

7 A. That is correct.

8 Q. If you put on more weight, you're going  
9 to get -- and you stress, you're going to get  
10 stronger; correct?

11 A. That is correct.

12 Q. If you run and you run like this, you're  
13 probably not going to get any faster.

14 A. That is correct.

15 Q. But if you run as hard as you can, you're  
16 going to probably get faster; correct?

17 A. That is correct.

18 Q. So all you're saying to me, I think, is  
19 that in order to develop, to become stronger  
20 physically, mentally, emotionally, whatever, you  
21 have to push your boundaries a little; correct?

22 A. That is correct. Yes.

23 Q. And you will recall, will you not, that  
24 at the various seminars it's not all about just  
25 physical boundaries or physical improvement. It's

1 also about improving your relationships.

2 A. That is correct.

3 Q. So I'll give you an example. It might  
4 not be comfortable to tell the whole truth to your  
5 spouse?

6 A. That is correct.

7 Q. Right. Because there are things that  
8 maybe you feel but you don't want to say?

9 A. Yes.

10 Q. And by saying things to your spouse that  
11 are true and that may move the relationship  
12 forward, putting yourself in that discomfort of  
13 being honest with someone, you may grow?

14 A. That is correct.

15 Q. And that is also something that this  
16 pushing threshold, pushing boundaries, is about, is  
17 it not?

18 A. It wasn't just about physical. It's  
19 about all aspects.

20 Q. People are trying to improve their lives;  
21 correct?

22 A. That is correct.

23 Q. Just like you?

24 A. Yes.

25 Q. Now, on the first day of the Spiritual

- 1 Warrior seminar, people got up and grabbed the mike  
 2 and they explained the reason why they were there.  
 3 **A. That is correct.**  
 4 **Q.** And you did that too?  
 5 **A. That is correct.**  
 6 **Q.** Now, did Mr. Ray tell you ahead of time  
 7 this is what you're going to say?  
 8 **A. No.**  
 9 **Q.** In fact, what you decided to commit to,  
 10 that was all from your own set of decisions?  
 11 **A. That is correct.**  
 12 **Q.** And you said you wanted to live a life of  
 13 honor, recognizing and eliminating my weaknesses.  
 14 **A. Yes.**  
 15 **Q.** And you wanted to honor your words and  
 16 keep your promises that you make to yourself and  
 17 others --  
 18 **A. Yes.**  
 19 **Q.** -- and to face challenges with a brave  
 20 heart.  
 21 **A. That is -- to the best of my knowledge,**  
 22 **that is what it was. Yes.**  
 23 **Q.** And by "challenges," you mean physical;  
 24 correct?  
 25 **A. Yes.**

- 1 **Q.** But you also mean in your relationships?  
 2 **A. Of course.**  
 3 **Q.** In your business?  
 4 **A. Yeah. I think physical is probably the**  
 5 **last one.**  
 6 **Q.** Physical would be the last one. And you  
 7 committed to living, to learn, to love, and to  
 8 laugh?  
 9 **A. That is correct.**  
 10 **Q.** And you committed to cherish the moments  
 11 and to being strong?  
 12 **A. Yes.**  
 13 **Q.** And you -- you committed that to believe  
 14 that a life -- a life of honor is the true purpose  
 15 of being in this world.  
 16 **A. I don't -- I do believe at the beginning**  
 17 **what I said I remember some of it. I don't know**  
 18 **the rest. So if that's my writing, then that's**  
 19 **what I said.**  
 20 **Q.** I'm not going to put words in your mouth.  
 21 But if it would refresh your recollection to look  
 22 at a transcript of some of the things you said on  
 23 that morning --  
 24 **A. No. That's fine. I'm not disagreeing.**  
 25 **Q.** Then did you also commit to keep and

- 1 honor, the boundaries, that I have picked?  
 2 **A. Yes. Of course.**  
 3 **Q.** That you have picked?  
 4 **A. Yes.**  
 5 **Q.** And that your word be a law in your  
 6 universe?  
 7 **A. Yes.**  
 8 **Q.** So -- so when you started this seminar,  
 9 you committed to everybody in the seminar and to  
 10 yourself that you were going to honor the  
 11 boundaries that you had picked?  
 12 **A. Yes.**  
 13 **Q.** You didn't say I'm going to honor the  
 14 boundaries that Mr. Ray has picked for me, did you?  
 15 **A. No.**  
 16 **Q.** You said you would commit to your  
 17 boundaries?  
 18 **A. That is correct.**  
 19 **Q.** Let's talk a little bit about the  
 20 seminar.  
 21 **A. Yes.**  
 22 **Q.** Now, in your -- the waiver form. It  
 23 pretty much described everything that was going to  
 24 happen; isn't that right?  
 25 **A. Yes, it does.**

- 1 **Q.** From yoga, to breath work, to meditation,  
 2 to team games, the Vision Quest, and to the sweat  
 3 lodge?  
 4 **A. That is correct.**  
 5 **Q.** And you pretty much did all those  
 6 activities; correct?  
 7 **A. Yes.**  
 8 **Q.** So did you do yoga?  
 9 **A. Yes.**  
 10 **Q.** And you got up at what? 6:00 in the  
 11 morning or something like that?  
 12 **A. Yes.**  
 13 **Q.** And did you go to a hall with other  
 14 people to do the yoga?  
 15 **A. That is correct. Yes.**  
 16 **Q.** Do you do yoga usually?  
 17 **A. No, I don't.**  
 18 **Q.** And it's not very comfortable, is it?  
 19 **A. Some of the moves are not.**  
 20 **Q.** Are you flexible or not flexible?  
 21 **A. Not flexible.**  
 22 **Q.** Okay. So some of those positions can put  
 23 a lot of strain on the various muscles; correct?  
 24 **A. Correct.**  
 25 **Q.** And the reason to do it is to stretch

- 1 those muscles; right?
- 2 **A. Yes.**
- 3 **Q.** And so you have greater flexibility.
- 4 Now, when you -- when you did this yoga,
- 5 these yoga exercises, you chose to do it?
- 6 **A. That is correct.**
- 7 **Q.** And as you're doing the yoga exercises,
- 8 you were able to stop any time you wanted; right?
- 9 **A. Yes.**
- 10 **Q.** Let's -- let's talk for a second about
- 11 the meditation. Okay. This is the Holosync.
- 12 **A. Yes.**
- 13 **Q.** And that's -- that's -- if you -- that's,
- 14 basically, you lie on a mat; correct?
- 15 **A. I don't remember.**
- 16 **Q.** You lie on the ground?
- 17 **A. Again, I don't remember. I don't**
- 18 **remember if I was sitting or lying on the ground.**
- 19 **Q.** Okay. So you -- you get your -- you're
- 20 not standing?
- 21 **A. No. I'm not standing.**
- 22 **Q.** And so you get yourself in a relatively
- 23 comfortable position?
- 24 **A. That is correct.**
- 25 **Q.** And then you put on some headphones?

- 1 **A. Yes.**
- 2 **Q.** And there's a CD that's playing in there;
- 3 right?
- 4 **A. That is correct.**
- 5 **Q.** And then you meditate?
- 6 **A. Yes.**
- 7 **Q.** Okay. And the CD, which apparently was
- 8 not to your liking, has sounds on it?
- 9 **A. That is correct.**
- 10 **Q.** Like rain.
- 11 **A. I don't remember. It could be some rain,**
- 12 **some loud music. Could be drum, something. I'm**
- 13 **not familiar with it.**
- 14 **Q.** Okay. Well, I believe on direct with
- 15 Ms. Polk you said that there was rain --
- 16 **A. Yes.**
- 17 **Q.** -- and drums.
- 18 **A. I recall what I said. Yes.**
- 19 **Q.** Okay. So there was rain and drums;
- 20 right?
- 21 **A. Yes.**
- 22 **Q.** You really, really, really didn't like
- 23 it?
- 24 **A. No.**
- 25 **Q.** And I think in the tape -- I won't play

- 1 it unless you want me to --
- 2 **A. No.**
- 3 **Q.** -- I think you said something to the
- 4 effect of -- you know -- I felt like I had the --
- 5 you know -- I had a cramp in my side and I could
- 6 barely breathe and I felt like I had to rip the
- 7 headphones off and run out of the room.
- 8 **A. That is correct.**
- 9 **Q.** And is that how you felt?
- 10 **A. That's how I felt. Yes.**
- 11 **Q.** And so then Mr. Ray said to you, hey,
- 12 keep meditating. Try. You know, listen to this
- 13 stuff. Just push it a little. Do you remember
- 14 that?
- 15 **A. Yes.**
- 16 **Q.** And he said you'll get some benefit out
- 17 of that?
- 18 **A. I don't remember that. But I know that I**
- 19 **didn't remove it from my head and I had it on.**
- 20 **Q.** Because you thought you'd get some
- 21 benefit out of it?
- 22 **A. That is correct.**
- 23 **Q.** Not because he's forcing you to do it;
- 24 right?
- 25 **A. No.**

- 1 **Q.** It's an earphone with some rain sounds
- 2 and some drums on it; right?
- 3 **A. Okay. Yes.**
- 4 **Q.** It's not going to hurt you, is it?
- 5 **A. No.**
- 6 **Q.** It's not actually going to cause you to
- 7 go screaming and running out of the room, ripping
- 8 the headphones off of your head, is it?
- 9 **A. No.**
- 10 **Q.** That's a little bit of a -- and I don't
- 11 mean any disrespect. I mean, it's just you're sort
- 12 of exaggerating for the conversation; right?
- 13 **A. Well, at that time that's what I felt and**
- 14 **that's what I said. I mean, that was -- I didn't**
- 15 **know -- that's what I felt that way when I listened**
- 16 **to it.**
- 17 **Q.** Okay.
- 18 **A. I cannot make any more comment it was**
- 19 **exaggerated or what exactly --**
- 20 **Q.** Okay.
- 21 **A. -- it was.**
- 22 **Q.** I apologize. I don't mean anything by
- 23 that. I really don't. Okay?
- 24 **A. Okay.**
- 25 **Q.** So what I really mean is it's not going



1 to be --

2 **A. It was uncomfortable.**

3 **Q.** Yeah. But it's not really going to hurt  
4 you; right?

5 **A. No.**

6 **Q.** You can turn it off?

7 **A. Yeah. But the whole idea of the exercise**  
8 **is it wasn't just whenever it starts to get**  
9 **uncomfortable to turn it off. It was to complete**  
10 **it.**

11 **Q.** Right. Like stretching in a yoga pose,  
12 that sort of thing; right?

13 **A. Okay.**

14 **Q.** It's just earphones; right?

15 **A. That is correct.**

16 **Q.** So then you did some breathing exercise.  
17 I think these are called "Holotropic breathing."

18 Do you remember that?

19 **A. I was breathing in other seminars. So I**  
20 **don't recall exactly that one. But yes. We have**  
21 **done breathing. Yes.**

22 **Q.** Okay. And, essentially, what you do is  
23 you breathe in and out really fast.

24 **A. That is correct.**

25 **Q.** And it -- it makes you dizzy?

1 **A. Well, in all my breathing I fall asleep,**  
2 **basically. And then you get the people who are**  
3 **attending to us to come and breathe fast behind --**  
4 **beside your ear so you kind of wake up and start**  
5 **breathing again.**

6 **Q.** So does this count for your four to six  
7 hours of sleep?

8 **A. No, it doesn't.**

9 **Q.** Okay. So you're breathing very quickly.  
10 And you, essentially, get dizzy; right?

11 **A. Again, I've never got to that point. I**  
12 **kept falling asleep in all the ones that I've**  
13 **practiced. But the idea was to enter an altered**  
14 **state.**

15 **Q.** Right. Like meditation?

16 **A. That is correct.**

17 **Q.** Okay. And -- and so you actually never  
18 really did this exercise. I mean, you were lying  
19 there falling asleep, but you didn't actually do  
20 the breathing and getting dizzy and all that?

21 **A. While I was doing the breathing, I would**  
22 **fall asleep. So it wasn't like I would say, well,**  
23 **I'm not going to do this exercise. I choose to**  
24 **sleep. It's just that the breathing would end up**  
25 **making me fall asleep.**

1 **Q.** Understood. It's fair enough that you

2 didn't really participate in that exercise, I

3 think, the way it was intended to be done.

4 **A. The way it was intended to be, no.**

5 **Q.** Okay. Basically, you took a nap?

6 **A. I wouldn't -- I didn't decide to take a**  
7 **nap, but that was the outcome of my breathing.**  
8 **Yes.**

9 **Q.** Understood. You -- you watched some  
10 movie clips?

11 **A. Yes, I did.**

12 **Q.** And they were from The Last Samurai.

13 **A. That is correct.**

14 **Q.** That's with Tom Cruise --

15 **A. Yes.**

16 **Q.** -- and whatever that guy's name is. I  
17 don't know. Anyway, Tom Cruise. And he's The Last  
18 Samurai. He's an American soldier who goes to  
19 Japan.

20 **A. That is correct.**

21 **Q.** Have you seen the movie before?

22 **A. Yes.**

23 **Q.** It's a good movie; right?

24 **A. Yes, it is.**

25 **Q.** It's about living honorably?

1 **A. Yes.**

2 **Q.** Being truthful?

3 **A. That is correct.**

4 **Q.** It's about people learning to trust each  
5 other?

6 **A. Yes.**

7 **Q.** You know, different cultures, different  
8 people --

9 **A. That is correct.**

10 **Q.** -- learn to trust each other?

11 It's not about cults, is it?

12 **A. No. No.**

13 **Q.** You also watched clips from a movie  
14 called The Matrix.

15 **A. I don't know if it was at Spiritual**  
16 **Warrior. But I remember at Quantum Leap we watched**  
17 **Matrix.**

18 **Q.** Okay. The Matrix is one of these sci-fi  
19 films with --

20 **A. That is correct.**

21 **Q.** -- you know. With a lot of guns and a  
22 lot of --

23 **A. Yes.**

24 **Q.** -- stuff going off.

25 And -- you know -- I'm not sure what that

- 1 movie is about. But it's not a cult, is it?
- 2 **A. No, it's not.**
- 3 **Q.** Not -- neither of these movies are sort
- 4 of religious or any of that, are they?
- 5 **A. No.**
- 6 **Q.** Neither of these movies tell you that you
- 7 have to believe one thing or another?
- 8 **A. No.**
- 9 **Q.** These movies don't brainwash people, do
- 10 they?
- 11 **A. No.**
- 12 **Q.** They didn't brainwash you, did they?
- 13 **A. No.**
- 14 **Q.** Now, then you went and did the Samurai
- 15 Game?
- 16 **A. That is correct.**
- 17 **Q.** And did you compete in any of the
- 18 battles?
- 19 **A. No, I didn't.**
- 20 **Q.** Okay. So the battles included -- now,
- 21 we've heard a lot -- I think the jury has heard a
- 22 lot about books. One of the battles was two guys
- 23 held books out -- I don't know how big they were.
- 24 Let's say they were this big -- held books out like
- 25 this.

- 1 **A. I believe at that time I was one of the**
- 2 **people who considered that. So I was laying -- and**
- 3 **so I was -- I didn't watch it.**
- 4 **Q.** Okay. But one of the exercises was
- 5 holding books out like this and sort of standing
- 6 face-to-face --
- 7 **A. Yes.**
- 8 **Q.** -- and the first guy to drop the arms
- 9 loses --
- 10 **A. That is correct.**
- 11 **Q.** -- right? And then they probably did it
- 12 for a fairly long time because you heard it; right?
- 13 **A. I don't know how many minutes, but**
- 14 **probably it was a long time.**
- 15 **Q.** Were people cheering?
- 16 **A. I don't recall.**
- 17 **Q.** Were people saying you can do it? Go?
- 18 Go? Come on?
- 19 **A. Probably yes.**
- 20 **Q.** The various teammates?
- 21 **A. I would say yes.**
- 22 **Q.** Like a team sport?
- 23 **A. Correct.**
- 24 **Q.** Now, were there other exercises? An
- 25 egg-in-the-spoon race?

- 1 **A. Yes.**
- 2 **Q.** So -- so one participant would have a
- 3 spoon and an egg, and they would run across the
- 4 room?
- 5 **A. Yes.**
- 6 **Q.** And then the person, I guess, who gets
- 7 there first wins; right?
- 8 **A. I don't recall who was winning, but I**
- 9 **recall the spoon and the egg game. Yes.**
- 10 **Q.** Okay. And then there was a sort of
- 11 Karate Kid crane, one-legged crane, whatever you
- 12 call that, stand on the leg?
- 13 **A. I don't remember. Sorry.**
- 14 **Q.** How about drinking water, a water
- 15 drinking contest?
- 16 **A. I don't remember.**
- 17 **Q.** Okay. On the point of water, you were
- 18 told repeatedly, were you not --
- 19 **A. To drink water.**
- 20 **Q.** -- in every publication you got, in
- 21 almost every lecture to hydrate, hydrate, hydrate?
- 22 **A. That is correct.**
- 23 **Q.** You were told to drink water from the
- 24 moment you got there?
- 25 **A. That is correct.**

- 1 **Q.** You were given a bag of sea salt to help
- 2 you retain water; correct?
- 3 **A. That is correct.**
- 4 **Q.** And you were told to drink that water?
- 5 **A. That is correct.**
- 6 **Q.** Now, Mr. Mehravar --
- 7 **A. Mehravar.**
- 8 **Q.** -- you are a 43-year-old, grown man, are
- 9 you not?
- 10 **A. Yes.**
- 11 **Q.** You're a father of two?
- 12 **A. That is correct.**
- 13 **Q.** You can make your own decisions, can you
- 14 not?
- 15 **A. Regarding?**
- 16 **Q.** Your life.
- 17 **A. Yes.**
- 18 **Q.** You can decide what school your kids go
- 19 to.
- 20 **A. Yes.**
- 21 **Q.** You can decide who you marry?
- 22 **A. Yes.**
- 23 **Q.** You can decide where you live?
- 24 **A. Yes.**
- 25 **Q.** You can decide what you do for a living?

- 1 **A. That is correct.**  
 2 **Q.** You can decide who your friends are?  
 3 **A. Yes.**  
 4 **Q.** You can decide what books to read?  
 5 **A. Correct.**  
 6 **Q.** You can decide what books not to read?  
 7 **A. That is correct.**  
 8 **Q.** You can decide what sports to play?  
 9 **A. Yes.**  
 10 **Q.** You can decide how hard to play them?  
 11 **A. That is correct.**  
 12 **Q.** If you decide tomorrow you want to climb  
 13 Mount Everest, you can decide that, can't you?  
 14 **A. Yes, I can.**  
 15 **Q.** And you can also decide you know what.  
 16 It's not for me? I don't want to do that?  
 17 **A. That is correct.**  
 18 **Q.** You can decide what religion you have?  
 19 **A. Yes.**  
 20 **Q.** You're absolutely free in Canada to  
 21 decide whatever religion you want to have?  
 22 **A. That is correct.**  
 23 **Q.** Nobody can tell you what to believe in?  
 24 **A. That is correct.**  
 25 **Q.** Nobody can tell you what to do; correct?

- 1 **A. As long as I'm not breaking the law,**  
 2 **that's correct.**  
 3 **Q.** Now, if you could -- now, if I can move  
 4 you for a second to the sweat lodge.  
 5 **A. Sure.**  
 6 **Q.** Okay. So we've done the Samurai Game.  
 7 We've done all these other things. And now we're  
 8 at the sweat lodge. You heard a tape that was  
 9 played for about, I'm going to guess, 45 minutes or  
 10 so with Mr. Ray explaining the ceremony?  
 11 **A. That is correct.**  
 12 **MS. POLK:** Your Honor, I'm sorry. But there  
 13 is no question regarding the --  
 14 **THE COURT:** Oh, yes. Please remove it.  
 15 **MR. LI:** I apologize.  
 16 **Q.** You were told that it was going to be  
 17 hot?  
 18 **A. Yes.**  
 19 **Q.** Hellacious hot?  
 20 **A. That's correct.**  
 21 **Q.** And it was?  
 22 **A. Yes, it was.**  
 23 **Q.** You were told that you were going to be  
 24 close to people?  
 25 **A. That is correct.**

- 1 **Q.** And you were?  
 2 **A. Yes, we were.**  
 3 **Q.** Do you like being close to people?  
 4 **A. It's not my phobia and it's not my**  
 5 **liking. But that was something we have to do, so**  
 6 **yes.**  
 7 **Q.** To test yourself?  
 8 **A. That is correct.**  
 9 **Q.** When you -- when you keep on saying this  
 10 "have to do", I think what you really mean -- and  
 11 you correct me if I'm wrong -- is that you choose  
 12 to do to test yourself?  
 13 **A. If you are going to enter the sweat**  
 14 **lodge, we kind of have to be this close to each**  
 15 **other.**  
 16 **Q.** Right. If you chose to enter the sweat  
 17 lodge?  
 18 **A. That is correct.**  
 19 **Q.** You were told you were going to be  
 20 miserable?  
 21 **A. Miserable where?**  
 22 **Q.** Miserable in the sweat lodge.  
 23 **A. Like, it's going to be hot and not**  
 24 **comfortable.**  
 25 **Q.** Miserable?

- 1 **A. Yes.**  
 2 **Q.** And you were. It was hot and  
 3 uncomfortable in the sweat lodge and dose?  
 4 **A. I don't recall saying -- being miserable.**  
 5 **Q.** Okay. There was a lot of discussion  
 6 about death.  
 7 **A. That is correct.**  
 8 **Q.** And you understood, did you not, that  
 9 death was symbolic; right?  
 10 **A. Of course.**  
 11 **Q.** That nobody was talking about go into the  
 12 sweat lodge and die physically, actually die?  
 13 **A. That is correct.**  
 14 **Q.** Nobody would have gone -- you wouldn't  
 15 have gone into the sweat lodge, would you, sir, if  
 16 somebody said, hey, go in there and die, like  
 17 really die?  
 18 **A. No. Absolutely.**  
 19 **Q.** It was about a metaphorical death and  
 20 rebirth?  
 21 **A. That is correct.**  
 22 **Q.** And the death specifically is -- and it's  
 23 in the tape -- is of all the things that are  
 24 holding you back?  
 25 **A. That is correct.**

1 Q. So for -- in your case, I think you said  
2 procrastination?

3 A. **That is correct.**

4 Q. And that's one of those things, man, if  
5 you just got up and did it, maybe you could push  
6 yourself a little further and accomplish a little  
7 more?

8 A. **Well, it's not accomplishment but other  
9 things as well, but all area in life. That's  
10 correct. Yes.**

11 Q. So the things that are holding you back,  
12 whatever it is that's holding you back, we're going  
13 to let it die?

14 A. **That is correct.**

15 Q. And then we're going to be reborn without  
16 it?

17 A. **That is correct.**

18 Q. Okay. So -- you know -- let's just -- I  
19 mean, I'm going to -- forgive me for going on with  
20 this. But you're a businessman?

21 A. **That is correct.**

22 Q. You would agree with me that setting up  
23 an event where you actually want your clients to  
24 die is a bad business plan?

25 A. **That is correct.**

1 Q. And you remember now also from the tape  
2 in addition to sort of the, hey, you got to respect  
3 the lodge, you got to -- you know --

4 A. **Yes.**

5 Q. -- here's what we're going to do, all  
6 that stuff. He did say, hey, if you need to get  
7 out, you can leave?

8 A. **During the -- when the entrance is open,  
9 yes.**

10 Q. Right. And he did say that, though,  
11 didn't he?

12 A. **Yes.**

13 Q. And he said, if you need to leave, then  
14 you need to leave?

15 A. **Again, we were allowed to leave when  
16 the -- between the rounds. Yes.**

17 Q. Uh-huh. And he said be safe? Watch out  
18 for the pit?

19 A. **That is correct.**

20 Q. There are legs and arms everywhere?

21 A. **Yes.**

22 Q. Knees?

23 A. **That is correct.**

24 Q. And then he said some words about an  
25 altered state?

1 A. **Yes.**

2 Q. Okay. Can we talk a minute about altered  
3 state?

4 A. **Sure.**

5 Q. So you've heard this conversation a lot  
6 about altered states in your various seminars;  
7 correct?

8 A. **Correct.**

9 Q. And let's just make one thing clear right  
10 now. Altered states is not about drugs or booze?

11 A. **No, it's not.**

12 Q. Not in this seminar; correct?

13 A. **(No audible response.)**

14 Q. And you can have an altered state -- you  
15 know -- taking drugs?

16 A. **I'm sure you can.**

17 Q. But that's not what this -- any of these  
18 seminars are about?

19 A. **No.**

20 Q. And, in fact, altered state, as you  
21 understood it, is just a nonordinary state?

22 A. **Yes.**

23 Q. So it might be meditating?

24 A. **That is correct.**

25 Q. It might -- in fact, Mr. Ray has said

1 things like it might be being in love?

2 A. **I don't recall. But that could be.**

3 Q. He said it at the seminar?

4 A. **I don't recall that.**

5 Q. Okay. It might be the runner's high. Do  
6 you run?

7 A. **No, I don't.**

8 Q. Okay. Well, sometimes if you run a lot,  
9 you can get a big endorphin lift.

10 A. **Okay.**

11 Q. And people call that the "runner's high."

12 Okay? You can -- altered states might include that  
13 moment of honesty with your spouse when now you are  
14 out of the pattern that you used to be in, and now  
15 you're in the pattern where, boy, this is really  
16 uncomfortable and I'm just telling the truth and I  
17 feel really weird.

18 That could be an altered state, couldn't  
19 it?

20 A. **Could be.**

21 Q. That's your understanding; right?

22 A. **I mean, I've never been to altered state,  
23 so I -- my understanding of it is limited to what I  
24 hear.**

25 Q. Okay. But you've heard things like that?

1 **A. I heard things like that. Yes.**  
 2 **Q.** It is not necessarily being unconscious  
 3 or high or on drugs or any of that; correct?  
 4 **A. I don't know. I've never been to one.**  
 5 **Like, I've never achieved that level or been that**  
 6 **way. Or any few seminars that I have attended, I**  
 7 **try to by different way of meditations or**  
 8 **breathing. But I personally never been to altered**  
 9 **state.**  
 10 **Q.** Okay. And if you recall in the tape, it  
 11 says something to the effect of you will have a  
 12 chance to have an altered state but be lucid. What  
 13 does "lucid" mean to you?  
 14 **A. I don't know.**  
 15 **Q.** Lucid -- doesn't lucid mean seeing  
 16 understanding, lucid, awake? Right?  
 17 **A. Again, like I -- I don't know.**  
 18 **Q.** Is it a term -- I mean I -- again --  
 19 **A. No. It's my English. I don't**  
 20 **understand.**  
 21 **Q.** I apologize.  
 22 **A. That's okay.**  
 23 **Q.** And I'll move on from that. Do you  
 24 recall him saying the word "lucid," though?  
 25 **A. If it was in the tape, yes.**

1 **Q.** Okay. At the end of the tape, he says,  
 2 don't rush the door?  
 3 **A. I recall that yes.**  
 4 **Q.** Okay. And the reason is the door is this  
 5 big; right?  
 6 **A. Yes.**  
 7 **Q.** And if you take 55 people and shove them  
 8 out the door all at once with a fire pit in the  
 9 middle, you could have a bad situation; correct?  
 10 **A. That is correct.**  
 11 **Q.** Would you agree with me that it's a  
 12 better idea for everybody to keep their stuff  
 13 together and go out in an orderly fashion? Would  
 14 you agree me?  
 15 **A. Yes.**  
 16 **Q.** That's a safety precaution?  
 17 **A. That is correct.**  
 18 **Q.** Would you also agree with me that it's a  
 19 better idea to leave out of the sweat lodge when  
 20 there is light so you could see?  
 21 **A. Of course.**  
 22 **Q.** So when the flap is opened and the light  
 23 comes in, that that's probably a safer time to  
 24 leave. You would agree with me, wouldn't you?  
 25 **A. That is correct.**

1 **Q.** Now, you had testified that you were  
 2 seated in the far corner of the sweat lodge;  
 3 correct? Or not far corner but away from Mr. Ray?  
 4 **A. I was the opposite side.**  
 5 **Q.** The opposite side of Mr. Ray. Now,  
 6 I'm --  
 7 With the Court's permission, I'm going  
 8 to -- I would like to either ask Mr. Mehravar to  
 9 either sit down for me to do it -- you know -- for  
 10 him to direct me, but just to show physically how  
 11 we were --  
 12 How you were seated.  
 13 So if I could just --  
 14 THE COURT: All right.  
 15 **Q.** BY MR. LI: Do you want to do it or do  
 16 you want me to do it?  
 17 **A. No. I can do it.**  
 18 **Q.** Okay. If you could just show us right  
 19 there how you were seated.  
 20 **A. If I was sitting here, Mr. Ray would have**  
 21 **been --**  
 22 **Q.** You can tell me -- tell me to stop when  
 23 you've gotten to Mr. Ray.  
 24 **A. He was probably there.**  
 25 **Q.** Right about here? And then the pit with

1 the stones in it?  
 2 **A. It was here.**  
 3 **Q.** Okay. It was right about here?  
 4 **A. I would say yes.**  
 5 **Q.** Okay. And is that how you were seated?  
 6 **A. Many differences because you feel**  
 7 **uncomfortable. You change different ways.**  
 8 **Q.** It's uncomfortable to sit that way?  
 9 **A. Yes.**  
 10 **Q.** Yes. I don't want to make you sort of  
 11 keep doing --  
 12 **A. I sit like this. And I also sat like**  
 13 **this as well.**  
 14 **Q.** And at some point -- you can get up.  
 15 **A. At some point I was close to the ground.**  
 16 **Q.** Okay. Now, at some point when -- can you  
 17 show me how you were when you got on the ground.  
 18 **A. Like this.**  
 19 **Q.** Okay. So you -- you sort of put your  
 20 head down on the ground like that?  
 21 **A. That is correct.**  
 22 **Q.** Okay. Now, is it fair to say -- if you  
 23 could just stay like that for a second, and I'm  
 24 going to get down on the ground too. Is it fair to  
 25 say that there were people in the sweat lodge who

1 were also just like you, sitting like this?

2 **A. That is correct.**

3 **Q.** And is it also fair to say that there

4 were people who were, say, at the back of the sweat

5 lodge -- okay? -- lying down like this? You know,

6 I'm not going to do just the whole --

7 **A. I -- I don't remember seeing. I'm just**

8 **telling you how I was.**

9 **Q.** Were there people next to you lying down?

10 **A. I don't remember.**

11 **Q.** Okay. Would it be fair to say that when

12 your head is down there on the ground like that or

13 when somebody is lying down with their face in the

14 ground and with their back pointed towards you and

15 with their face pointed out toward the outside of

16 the tent --

17 **A. Yes.**

18 **Q.** -- that they can't see anything that

19 you're doing?

20 MS. POLK: Objection. Speculation.

21 THE COURT: Sustained.

22 MR. LI: Okay.

23 **Q.** When your head was down like that, could

24 you see anything that was happening across --

25 **A. No. I can't see.**

1 **Q.** -- from you? Okay. If you had turned

2 yourself around, put your head towards the back of

3 the tent and -- you know -- try to get air

4 underneath it and that sort of stuff, do you think

5 you could have seen anything on the other side of

6 the tent?

7 MS. POLK: Same objection.

8 THE COURT: Overruled.

9 If you can answer it, you may.

10 THE WITNESS: Are you asking me if I noticed

11 the light come in?

12 **Q.** BY MR. LI: No. No. I'm just asking you

13 if you turned around --

14 MS. POLK: And, Your Honor, I'm sorry.

15 MR. LI: No. No. Please. I'm sorry.

16 **Q.** If you -- if you turned around and you

17 were facing the back of the tent, you couldn't see

18 me -- you know --

19 **A. No. I --**

20 **Q.** -- on the other side of the tent, could

21 you?

22 **A. No. I --**

23 **Q.** You wouldn't --

24 **A. If my back was towards you, then, of**

25 **course, I couldn't see you.**

1 **Q.** And now between you at your location and

2 Mr. Ray at his location, that's basically the whole

3 sweat lodge between you, isn't it?

4 **A. That is correct.**

5 **Q.** And that's -- basically, all the people

6 are between you -- you know -- on either side;

7 right?

8 **A. I would say yes except the people behind**

9 **me.**

10 **Q.** Except for a few people who are sitting

11 behind you. So, basically, 20 some-odd people on

12 this side, 20 some-odd people on that side?

13 **A. That is correct.**

14 **Q.** And it's crowded?

15 **A. Yes.**

16 **Q.** And it's pitch black inside?

17 **A. That is correct.**

18 **Q.** It's noisy?

19 **A. Yes. Mr. Ray was chanting.**

20 **Q.** And others were chanting too --

21 **A. Yes.**

22 **Q.** -- and saying out their proclamations and

23 what have you?

24 **A. That is correct.**

25 **Q.** And did you -- did you say some things

1 too?

2 **A. I believe I said stuff.**

3 **Q.** What did you say?

4 **A. I don't remember.**

5 **Q.** But did they relate to your --

6 **A. That is correct.**

7 **Q.** They related to your commitments?

8 **A. Yes.**

9 **Q.** Now, during the course of the ceremony,

10 people left.

11 **A. Yes.**

12 **Q.** And in the first round, I think, like,

13 three people left?

14 **A. I don't know the numbers.**

15 **Q.** A number of people left?

16 **A. Again, I don't know the numbers. But I**

17 **know some people left.**

18 **Q.** And in the second round more people left?

19 **A. Again, I don't know the numbers, but I**

20 **noticed that people left. Yes.**

21 **Q.** Okay. And I'm just asking whether people

22 left. You don't have --

23 **A. Yes.**

24 **Q.** If you don't know the numbers, it's okay.

25 And in the third round, some people left?

1 **A. I believe so.**  
 2 **Q.** And some people came back in?  
 3 **A. By that time I didn't -- or I wasn't**  
 4 **paying attention to people leaving or coming back**  
 5 **in.**  
 6 **Q.** Were you aware that people were outside  
 7 getting cooled off?  
 8 **A. No.**  
 9 **Q.** Were you aware that those same people --  
 10 some of the people who were getting cooled off then  
 11 came back in?  
 12 **A. No.**  
 13 **Q.** Were you aware that about 20 people, give  
 14 or take, came and left during the sweat lodge  
 15 ceremony?  
 16 **A. No.**  
 17 **Q.** Now, you had said, I think, on direct  
 18 that Mr. Ray had said -- offered encouragement?  
 19 **A. That is correct.**  
 20 **Q.** And Mr. Ray had said, you can do it, or  
 21 words to that effect?  
 22 **A. Yes. You are more than this. You are**  
 23 **bigger than this?**  
 24 **Q.** You can do it? You are more than this.  
 25 You can do it?

1 **A. You are more than this. You are better**  
 2 **than this.**  
 3 **Q.** In that tone?  
 4 **A. No. Probably more encouraging tone.**  
 5 **Q.** In an encouraging tone, you can do this?  
 6 You're more than that? You can do this; right?  
 7 **A. Yes.**  
 8 **Q.** Was he yelling at people like a drill  
 9 sergeant?  
 10 **A. No.**  
 11 **Q.** Have you been in the Army?  
 12 **A. No.**  
 13 **Q.** Had anybody yell at you like that?  
 14 **A. I probably have been yelled at, but I**  
 15 **don't think that --**  
 16 **Q.** But not like that?  
 17 MS. POLK: Your Honor, can the witness finish  
 18 his answer?  
 19 MR. LI: I apologize.  
 20 THE WITNESS: No.  
 21 MR. LI: Sorry.  
 22 THE WITNESS: No. I wasn't being yelled at.  
 23 **Q.** BY MR. LI: Okay. No one was being  
 24 yelled at?  
 25 **A. No. It was -- Mr. Ray would say, you are**

1 **more than this. You are bigger than this. And**  
 2 **then some of the participant, including me, we**  
 3 **would follow by saying, You are bigger than this.**  
 4 **You are more than this.**  
 5 **Q.** That was an interesting thing you just  
 6 said because I didn't hear it on direct  
 7 examination.  
 8 MS. POLK: Objection to Mr. Li testifying like  
 9 that.  
 10 THE COURT: Sustained.  
 11 What the lawyers say, of course, is not  
 12 evidence. I mentioned that.  
 13 MR. LI: I apologize.  
 14 **Q.** You -- you did not say that on direct  
 15 examination, did you, that you encouraged people  
 16 too?  
 17 **A. I don't remember. No.**  
 18 **Q.** Okay. And you -- but you said it now.  
 19 You encouraged people too?  
 20 **A. At the first couple of rounds. Yes. I**  
 21 **did.**  
 22 **Q.** And you said things like you can do it?  
 23 **A. That is correct.**  
 24 **Q.** And you said things like you're more than  
 25 that?

1 **A. That is correct.**  
 2 **Q.** And you said it in an encouraging way?  
 3 **A. I was just following what Mr. Ray was**  
 4 **saying.**  
 5 **Q.** Yes. That's not exactly my question. My  
 6 question is, you were saying it in an encouraging  
 7 way?  
 8 **A. I don't know if I was saying any --**  
 9 **encouraging or not. I was just following what**  
 10 **Mr. Ray was saying.**  
 11 **Q.** Were you trying to encourage people, make  
 12 them feel good, make them successful?  
 13 **A. I don't think that was my intention. I**  
 14 **was just following what Mr. Ray was saying.**  
 15 **Q.** Are you telling this jury that you  
 16 literally had -- you were just mouthing words with  
 17 no -- you didn't have control over your own mouth?  
 18 Is that what you're telling this jury?  
 19 **A. I was just repeating what Mr. Ray was**  
 20 **saying and others. Yes.**  
 21 **Q.** Okay. So you didn't have any intention  
 22 behind it at all? You were just literally mouthing  
 23 empty words.  
 24 **A. That is correct.**  
 25 **Q.** If somebody was hearing you say that,

1 would they think that you were encouraging them by  
 2 your tone?  
 3 **A. I don't know.**  
 4 **Q.** And other participants said, you can do  
 5 it? You're more than that?  
 6 **A. Yes. I believe so.**  
 7 **Q.** Can you name any of the folks who were  
 8 with you?  
 9 **A. No.**  
 10 **Q.** And were they screaming at people and  
 11 yelling at them?  
 12 **A. I don't think anybody was yelling or**  
 13 **screaming but -- you know -- in a higher tone voice**  
 14 **that everybody can hear, we would -- I would say it**  
 15 **was the same tone as we were chanting. That would**  
 16 **be probably a correct way.**  
 17 **Q.** Okay. You can do it? You can do it?  
 18 **A. That is correct.**  
 19 **Q.** Now, nobody was actually prevented from  
 20 leaving; correct?  
 21 **A. We were told if the entrance is open, you**  
 22 **can leave if you like to.**  
 23 **Q.** Right. And no one was -- this is a  
 24 simple question.  
 25 **A. Physically --**

1 **Q.** No one --  
 2 **A. -- no.**  
 3 **Q.** No one was prevented from leaving?  
 4 **A. That is correct.**  
 5 **Q.** And when people left out the door, people  
 6 would chant something to them. They would say "hi  
 7 ya ya" or something like that; correct?  
 8 **A. I don't remember.**  
 9 **Q.** Okay. And hi ya ya is I salute you?  
 10 **A. Again, I don't remember.**  
 11 **Q.** Now, when people left did people  
 12 disparage them?  
 13 **A. What do you mean like?**  
 14 **Q.** Did people insult them?  
 15 **A. No.**  
 16 **Q.** Did people shame them?  
 17 **A. No.**  
 18 **Q.** Did people yell at them?  
 19 **A. No.**  
 20 **Q.** Did Mr. Ray do any of that?  
 21 **A. No.**  
 22 **Q.** They encouraged them?  
 23 **A. That is correct.**  
 24 **Q.** Now, while you were in the sweat lodge  
 25 ceremony, you didn't know where Liz Neuman was

1 sitting, did you?  
 2 **A. No, I didn't.**  
 3 **Q.** You didn't know exactly where James Shore  
 4 was sitting, did you?  
 5 **A. No, I did not.**  
 6 **Q.** In fact, you had it sort of constructed  
 7 just guessing by the -- where he was?  
 8 **A. Yeah. I know James Ray -- I'm sorry.**  
 9 **James Shore was two or three people ahead of me**  
 10 **going inside the tent, but I don't know where he**  
 11 **was sitting.**  
 12 **Q.** But you didn't -- you said --  
 13 **A. I don't know.**  
 14 **Q.** And when you were testifying here -- and  
 15 I'm not -- you know -- you didn't represent  
 16 anything more than that. But when you were  
 17 testifying about where he was on the map, it was an  
 18 educated guess?  
 19 **A. Yeah. I didn't physically with my own**  
 20 **eyes see where they were sitting that I can recall.**  
 21 **Q.** And you didn't hear any conversations  
 22 between James Shore and Kirby Brown or anything  
 23 like that?  
 24 **A. No, I did not.**  
 25 **Q.** You didn't hear any conversations with

1 Liz Neuman and any of the people next to her?  
 2 **A. No, I didn't.**  
 3 **Q.** If you had known that somebody was dying  
 4 right next to you -- if you had known that, would  
 5 you have tried to help that person?  
 6 **A. You know, if I was on my own -- by the**  
 7 **third round, really I wasn't paying attention to**  
 8 **anybody else. It could be a selfish thing of me to**  
 9 **say, but all I wanted was to kind of -- just to**  
 10 **kind of look after myself.**  
 11 **Q.** Here's my question. Okay. I understand  
 12 that was how you were experiencing it.  
 13 **A. Yes.**  
 14 **Q.** But if you had known -- if I were sitting  
 15 right next to you like this and I was dying and you  
 16 knew I was dying right at that moment, okay, would  
 17 you have done everything you could to save me?  
 18 Would you have opened up the sweat lodge? Would  
 19 you have told James to stop?  
 20 **A. I don't know.**  
 21 **Q.** You don't know whether you would have --  
 22 **A. I don't know. Yes. I don't know. I**  
 23 **really don't know because I cannot tell you what I**  
 24 **would have done. I mean, right now, sitting in**  
 25 **this courtroom, probably I would say the answer**



1 **would have been yes. But at that time I don't know**  
2 **what I would do.**

3 Q. Because you were out of it or something  
4 like that or what? You don't care?

5 A. **No. It's not that I don't care. It's**  
6 **because I wasn't 100 percent aware and alert of**  
7 **what was going on around me. So, I mean, I cannot**  
8 **tell you -- on a normal day, of course, if someone**  
9 **is hurt --**

10 Q. Okay.

11 A. **-- beside me, I would say -- I would**  
12 **help.**

13 Q. And I'm sorry. I didn't --

14 MS. POLK: Judge, can the witness be allowed  
15 to finish his answers before Mr. Li interrupts?

16 THE COURT: If you had more to your answer,  
17 you may continue.

18 THE WITNESS: I mean, if it's a normal, day to  
19 day and if someone is hurt, of course I'm going to  
20 help. But in that tent in that time, I wasn't  
21 100 percent aware of everything that's happening  
22 around me and I was myself in pain. So I can't  
23 tell you if I was going to help someone or not.

24 Q. BY MR. LI: So here's -- I think we're  
25 having a disconnect here. Okay. So my question

1 isn't whether you knew some -- you know -- given  
2 how hot and uncomfortable you were whether you knew  
3 somebody was dying and whether you would have tried  
4 to help them under those circumstance.

5 And my question is a little more simple.

6 Okay. Forget about how you're feeling right now  
7 and what you were thinking. If you knew, like  
8 knew, I know the guy next to me is dying, are you  
9 saying -- is it your testimony to this jury that if  
10 you knew -- not oh. Because I'm a little dizzy and  
11 I can't see straight right now. I mean, if you  
12 know the person next to you is dying, is it your  
13 testimony today to this jury that you would have  
14 done nothing to help that guy?

15 A. **I would have probably waited until the**  
16 **round is over and then ask for help.**

17 Q. Okay. You would have tried to help;  
18 right?

19 A. **Again, I don't think I would interrupt**  
20 **the ceremony. But I would wait until the ceremony**  
21 **is over then I ask for help. Yes.**

22 Q. You would have tried to stop the  
23 ceremony; right?

24 A. **I don't think I would. I know it doesn't**  
25 **sound logical, but I don't think I would have**

1 **stopped the ceremony. No.**

2 Q. Now, you left after -- but you stopped  
3 the ceremony for yourself, didn't you, on round 5?

4 A. **I didn't stop the ceremony.**

5 Q. For yourself?

6 A. **The door was opened and I tried to crawl**  
7 **out.**

8 Q. Okay. So then when you -- when you tried  
9 to crawl out, were you down on your knees?

10 A. **I was on my hands and knees crawling out.**

11 Q. Did you start from a prone position,  
12 meaning lying down on the ground, and push yourself  
13 up?

14 A. **No. I was on my knees. And I kind of**  
15 **tried to just do my round to get out.**

16 Q. And as you started to get up --

17 A. **I --**

18 Q. -- you went out like a light?

19 A. **That is correct.**

20 Q. Okay. Now, is it -- is it possible that  
21 you were down like this and you tried to get up?

22 A. **No.**

23 Q. Okay.

24 A. **No.**

25 Q. So what happened?

1 A. **I was just crawling out. Would you like**  
2 **me to show you?**

3 Q. No. No. I got it. I got it. I just  
4 wanted to make sure that --

5 A. **And then I don't remember what happened.**  
6 **The next thing I remember is they're pouring water**  
7 **on me.**

8 Q. Okay. And the next thing you know is  
9 you're outside and they're cooling you off?

10 A. **That is correct.**

11 Q. And there is a Dream Team member who is  
12 there, a woman named Lisa?

13 A. **I know Lisa and Christine were holding me**  
14 **when I was screaming, but I don't remember who was**  
15 **hosing me down.**

16 Q. Okay. And there was a person named Lisa  
17 Rondan. Do you know her last name?

18 A. **No, I don't.**

19 Q. Okay. She's a nurse. Did you know that?

20 A. **I just -- I didn't know, but now I know.**

21 Q. Okay. And she was helping you outside;  
22 correct?

23 A. **Yes.**

24 Q. And -- and you were screaming -- at some  
25 point you started screaming at the top of your

1 lungs, I'm dying?  
 2 **A. That is correct.**  
 3 **Q.** Okay. And they were there saying no,  
 4 Dennis? You're okay? You're going to be okay?  
 5 **A. That is correct.**  
 6 **Q.** You're all right?  
 7 **A. That is correct.**  
 8 **Q.** And you don't really know actually what  
 9 happened to you, do you?  
 10 **A. I don't know.**  
 11 MR. LI: Okay. In fact -- and we'll get to  
 12 this in a bit.  
 13 Maybe, Your Honor --  
 14 THE COURT: It's a good time. Thank you.  
 15 Ladies and gentlemen, we will take the  
 16 afternoon recess. Please remember the admonition.  
 17 Mr. Mehravar, please remember the rule I  
 18 explained to you.  
 19 Please be reassembled at 1:30. Thank  
 20 you.  
 21 We're in recess.  
 22 (Recess.)  
 23 THE COURT: The record will show the  
 24 presence of the defendant, Mr. Ray, the attorneys,  
 25 the jury.

1 And the witness has returned to the  
 2 witness stand, having previously been sworn.  
 3 Mr. Li, you may continue.  
 4 MR. LI: Thank you, Your Honor.  
 5 **Q.** Good afternoon.  
 6 **A. Good afternoon.**  
 7 **Q.** Before the break I believe on direct  
 8 testimony you had told Ms. Polk that one of the  
 9 reasons why you wanted to finish the sweat lodge, I  
 10 think you called it, because it had personal  
 11 meaning for you?  
 12 **A. That is correct.**  
 13 **Q.** And by "personal," you meant your own  
 14 meaning?  
 15 **A. That is correct.**  
 16 **Q.** Not Mr. Ray's meaning?  
 17 **A. That is correct.**  
 18 **Q.** You had also quoted some statement of  
 19 Mr. Ray. And I believe you might have left out a  
 20 few words. And that was -- I think you said  
 21 something like this on direct: If you don't  
 22 believe in yourself, then believe in me or  
 23 something like that.  
 24 **A. That is correct.**  
 25 **Q.** The actual quote he would say to you is

1 If you don't believe in yourself, then believe in  
 2 my belief in you.  
 3 **A. Okay.**  
 4 **Q.** Is that right?  
 5 **A. Mr. Ray said a lot in his seminars. And**  
 6 **if that's what he said, that's what he said.**  
 7 **Q.** And the point is that he believes in you;  
 8 correct?  
 9 **A. My interpretation of what Mr. Ray said**  
 10 **that he knows better than myself of what am I**  
 11 **capable of. And that's one of the reason I went to**  
 12 **his seminars.**  
 13 **Q.** Okay. But the point being that he  
 14 believes you can accomplish great things?  
 15 **A. That is correct.**  
 16 **Q.** So it's not believe in Mr. Ray. It's  
 17 believe in the fact that he believes in you, that  
 18 you can accomplish great things?  
 19 **A. Are you asking me if I believe in Mr. Ray**  
 20 **or --**  
 21 **Q.** No. I'm asking you whether -- I'm just  
 22 asking you, isn't it true that he told you,  
 23 basically, believe in yourself?  
 24 **A. Yes.**  
 25 **Q.** Now, at the end -- just before we left,

1 we were talking about you coming out of the sweat  
 2 lodge and you were screaming --  
 3 **A. Yes.**  
 4 **Q.** -- that you believed that you were dying.  
 5 **A. Yes. I thought I'm having a heart**  
 6 **attack. Yes.**  
 7 **Q.** And you had -- but you had two Dream Team  
 8 members right next to you?  
 9 **A. While I was screaming. Yes, I did --**  
 10 **Q.** And --  
 11 **A. -- holding me.**  
 12 **Q.** -- and they were holding you?  
 13 **A. Yes.**  
 14 **Q.** And one of them is a nurse?  
 15 **A. I mean, at that time, I don't know.**  
 16 **But --**  
 17 **Q.** Her name is Lisa?  
 18 **A. Yes.**  
 19 MS. POLK: Your Honor, again, may the witness  
 20 finish answering the question before Mr. Li  
 21 interrupts?  
 22 THE COURT: Yes. Yes.  
 23 You may finish your answer, sir.  
 24 THE WITNESS: I mean, at that time I didn't  
 25 know what they do for a living. You have to

1 understand the state that I was at that time.

2 Q. BY MR. LI: Okay. But her name was Lisa?

3 A. Her name was Lisa. Yes.

4 Q. And it turns out she's a nurse?

5 A. Okay.

6 Q. And she tells you that Dennis, you're  
7 going to be okay?

8 A. Yes. But -- you know -- I mean, what  
9 would you say to someone else if actually I was  
10 having a heart attack? Dennis, you're having a  
11 heart attack? You're going to die? Of course,  
12 you're going to tell something.

13 And I didn't know at that time is she  
14 telling me to -- really I believe in her that I'm  
15 going to be okay, or is she just telling me so I  
16 feel more peaceful?

17 Q. You weren't actually having a heart  
18 attack, were you?

19 A. No. Of course, I wasn't.

20 Q. Now, from the tent you heard Mr. Ray  
21 saying Dennis, you're going to have to get it  
22 together, buddy?

23 A. I did not hear that at all.

24 Q. Then they cooled you down?

25 A. No. They cool me down first when I got

1 out. Then I start throwing up. Then I start  
2 thinking that I'm having a heart attack.

3 Q. And then did they continue to give you  
4 water and try to keep you cool?

5 A. I think by the time I was -- after I come  
6 back again for the second time, I was cold. So I  
7 think they were actually -- I was given blankets.

8 Q. Okay. And, in fact, when the emergency  
9 responders came to the scene, your temperature was  
10 about 95 degrees; correct?

11 A. I mean, if that's what's recorded, then  
12 yes, it was.

13 Q. Your chief complaint to the emergency  
14 responders was that you were very, very cold?

15 A. Yes.

16 Q. Now, I'd like to talk to you for a second  
17 about your admission to the hospital on October 8,  
18 2009, if I could.

19 A. Sure.

20 Q. And this is -- you went to the Verde  
21 Valley Medical Center?

22 A. That is correct.

23 Q. And they could not actually figure out  
24 what was wrong with you?

25 A. That's what I was told. Yes.

1 Q. And I'm going to put on the projector

2 Exhibit 192, which is already admitted, page 10.

3 And I'm going to zoom in where it says, I splenied,

4 I explained, to the patient that we did not have a

5 cause for his symptoms or the other people's

6 symptoms that were in the sweat lodge, including

7 the two people that died. Is that what they told

8 you -- your doctors?

9 MS. POLK: I'm sorry to interrupt, but you  
10 said page 10?

11 MR. LI: Yeah. It's Bates No. 1811.

12 MS. POLK: The fourth page of the exhibit.  
13 Would that be correct?

14 MR. LI: I apologize. I just read the "10."

15 MS. POLK: I understand.

16 MR. LI: It's the fourth.

17 MS. POLK: I just want to make sure the record  
18 is clear what page you're looking at.

19 MR. LI: Thank you, Ms. Polk. It may be the  
20 fourth -- it is the fourth page. I apologize. It  
21 says 10 of 10.

22 Q. You were told that they did not have a  
23 cause for your symptoms?

24 A. That is correct.

25 Q. Or the other people that were in the

1 sweat lodge, including the two that died?

2 A. I didn't know at that time that two  
3 people had died. Even though I can read it here, I  
4 don't recall it. I know they told me they have  
5 checked my blood and everything and I'm fine to go.  
6 They offer me if I can stay at -- I can stay  
7 overnight. And I told them if I'm okay, I can go.  
8 I'd like to go.

9 Q. And so you left?

10 A. That's correct.

11 Q. Then you went back to Canada; correct?

12 A. And then I -- yeah. The day after I flew  
13 to Canada. That's correct.

14 Q. And you weren't feeling well? You had --

15 A. I had numbness on my complete -- my left  
16 side. So I went to emergency. And they checked  
17 me, and they didn't find anything wrong with me.

18 Q. And they told you -- they ran blood  
19 tests?

20 A. They run blood tests. That's correct.

21 Q. They put an EKG on you, which would be  
22 the monitor that --

23 A. That is correct. Yeah.

24 Q. I'm making a gesture for the heart  
25 whatever --

1 **A. That is correct.**  
 2 **Q.** -- signal.  
 3 **A. Yes.**  
 4 **Q.** And they found nothing wrong with you?  
 5 **A. That is correct.**  
 6 MR. LI: Thank you, Your Honor.  
 7 THE COURT: Thank you, Mr. Li.  
 8 Redirect Ms. Polk?  
 9 MS. POLK: Yes, Your Honor. Thank you.  
 10 REDIRECT EXAMINATION  
 11 BY MS. POLK:  
 12 **Q.** Good afternoon, Mr. Mehravar.  
 13 **A. Good afternoon.**  
 14 **Q.** Mr. Li asked you some questions on his  
 15 examination about your occupation as a real estate  
 16 agent.  
 17 **A. That is correct.**  
 18 **Q.** And got you to agree that you have  
 19 clients that rely on you?  
 20 **A. That is correct.**  
 21 **Q.** Do you recall that line of questioning?  
 22 **A. Yes, I do.**  
 23 **Q.** Did you rely on Mr. Ray in a similar  
 24 fashion?  
 25 **A. Yes, I did.**

1 **Q.** And how is that similar?  
 2 **A. My clients -- they come to me for advice.**  
 3 **And my job is to protect their best interest and**  
 4 **act in their best interest. And that's the same**  
 5 **thing. I came to Mr. Ray for advice to grow myself**  
 6 **in a different level, and I trust his opinion in**  
 7 **that manner.**  
 8 **Q.** And then Exhibit 138 was placed on the  
 9 overhead. And I'm going to place it back up on the  
 10 overhead. And you were asked a couple of questions  
 11 about this exhibit. I'm going to ask you  
 12 specifically about that first bullet point that  
 13 says, you will accelerate the releasing of your  
 14 limitations and push yourself past your  
 15 self-imposed and conditioned borders. No more  
 16 coloring inside the lines.  
 17 What did that mean to you?  
 18 **A. Basically, it means that I would --**  
 19 **Mr. Ray always said that there is a circle. So**  
 20 **that inside of the circle is your comfort zone, and**  
 21 **outside of that is the area that you can grow. So**  
 22 **for you to grow, you have to go out of your comfort**  
 23 **zone to be able to expand and experience your**  
 24 **knowledge in all the areas that you want to**  
 25 **improve.**

1 **So my understanding by that was that he**  
 2 **was going to provide me with the tools that I can**  
 3 **pass my limits and set up new limits for myself.**  
 4 **Q.** Mr. Li questioned you about the waiver  
 5 that you signed --  
 6 **A. That is correct.**  
 7 **Q.** -- and specifically pulled up some  
 8 language. Actually, let me find it. And this is  
 9 Exhibit 190. Mr. Li had put up on the overhead and  
 10 read the third paragraph where it states, I also  
 11 understand that the company does not purport to  
 12 offer any medical, psychological, therapeutic,  
 13 religious, or other professional advice at the  
 14 event and that the information provided at the  
 15 event is not a substitute for professional,  
 16 psychological, or psychiatric care.  
 17 What was your expectation from Mr. Ray  
 18 when you paid him money to attend the various  
 19 seminars as well as the Spiritual Warrior seminar?  
 20 **A. My expectation and belief was that**  
 21 **Mr. Ray is a very knowledgeable person and he can**  
 22 **help me in the area that I'm seeking growth to**  
 23 **grow. And I believed in him, and I have done**  
 24 **everything, to the best of my knowledge, to improve**  
 25 **myself under his guidance.**

1 **Q.** And when Mr. Li questioned you about that  
 2 paragraph and said to you, do you understand that  
 3 you weren't getting any of those things from  
 4 Mr. Ray --  
 5 **A. Your --**  
 6 **Q.** Let me ask you the question. Your  
 7 response on the stand was, my understanding was  
 8 that it was advice, but I guess it wasn't.  
 9 Will you explain to the jury what you  
 10 meant?  
 11 **A. When you registered for the events,**  
 12 **obviously you don't have the information for the**  
 13 **waiver. So you're just doing the events under the**  
 14 **information they are giving you, which isn't here.**  
 15 **So if they were giving me the same**  
 16 **information at the events and highlight that this**  
 17 **is what we promise but, by the way, this is not**  
 18 **what we promise, it kind of contradict itself.**  
 19 **Q.** What did you think you were getting for  
 20 \$10,000?  
 21 MR. LI: Objection. Relevance.  
 22 Argumentative.  
 23 THE COURT: Overruled.  
 24 You may answer that.  
 25 THE WITNESS: Mr. Ray said that Spiritual

1 Warrior is best material. And I've been to all his  
2 events. So for me to go to an event that Mr. Ray  
3 himself says it is his best material and it would  
4 definitely be a life-changing experience, that was  
5 a lot of promise that I was expecting to be  
6 delivered.

7 **Q.** BY MS. POLK: Okay. And then you were  
8 read the last sentence of this waiver. And, again,  
9 I'm referring to Exhibit 190. I acknowledge that I  
10 have been given the opportunity by the company to  
11 ask questions regarding any aspect of this release.

12 You testified earlier about whether you  
13 knew that the sweat lodge event was coming. Do you  
14 recall that testimony?

15 **A.** That is correct.

16 **Q.** And that you did not know it was coming?

17 **A.** That is correct.

18 **Q.** How much time did you have to ask  
19 questions about the sweat lodge before you found  
20 yourself in the sweat lodge?

21 **A.** If you go by the waiver that I signed,  
22 then I'd just like to add a comment to that, if I  
23 can.

24 **Q.** Yes.

25 **A.** As I was questioned before that -- you

1 know -- I told him that I didn't read the waiver  
2 before I sign it. The reason I didn't read it is  
3 that I have been in many events with Mr. Ray and  
4 there has never -- I've always signed a waiver.

5 And there has never been any doubt or any  
6 question in my mind that anything that I would --  
7 cannot provoke me to not trust Mr. Ray or to think  
8 that something is going to go wrong. Even when I'm  
9 teamed for the event, there was no accidents or  
10 anything like that.

11 And coming back to my own profession, I  
12 have client that they are repeat clients. And I do  
13 put in front of them the documents for five pages.  
14 And they just sign it because they have dealt with  
15 me before and there is a trust there.

16 And the reason I didn't go -- and, again,  
17 I have clients that they use me for the first time.  
18 And they go through all the questions. And if they  
19 have any questions, they ask.

20 The reason I didn't read it, the waiver,  
21 is for me there was no -- I wasn't thinking that  
22 I'm going to be in any sort of danger. I knew I'm  
23 going to be pushed to the limits. I knew those  
24 things. But also I had no doubts that from the  
25 past experience that if something happen would go

1 **wrong. So that's one of the reasons that I didn't**  
2 **read the complete waiver.**

3 **Q.** Did you believe that Mr. Ray had training  
4 and experience to lead you in the events of the  
5 Spiritual Warrior seminar?

6 **A.** Definitely. Yes.

7 **Q.** And did you believe that Mr. Ray had  
8 training and experience to lead you into a sweat  
9 lodge ceremony?

10 **A.** Definitely, yes.

11 **Q.** Why did you believe that?

12 **A.** Mr. Ray himself told me that he's done  
13 that many times. And the way he express himself  
14 and show himself, there was no doubt that he knows  
15 what he's doing.

16 **Q.** Did you believe that Mr. Ray knew the  
17 effects of extreme heat on the body?

18 **A.** I mean, the heat we were in was extremely  
19 hot.

20 Could you repeat the question on more  
21 time, please.

22 **Q.** Did you know -- did you believe that  
23 Mr. Ray knew what he was doing when he introduced  
24 you into that very heated environment?

25 **A.** No.

1 **Q.** You did not believe that Mr. Ray knew  
2 what he was doing?

3 **A.** I'm sitting right now here looking back  
4 at it, no. At that time, yes.

5 **Q.** Okay. At the time -- and I'm talking  
6 what you believed at the time.

7 **A.** Yes. Because Mr. Ray himself told us  
8 that it's going to be extreme heat. It's going to  
9 feel like your dying, and your skin is going to  
10 feel like it's falling off.

11 So when I was inside the sweat lodge, all  
12 his predictions was true. It felt like I'm dying.  
13 It felt like -- you know -- my skin is coming off.  
14 But just because he told me before I get in there  
15 that those things will happen, it was comforting to  
16 know that. Okay? You know?

17 Just like when you go to a doctor and  
18 they're going to give you a needle, and they say  
19 well, all you're going to feel is a pinch. They  
20 tell you ahead of time how you're going to feel.

21 So when that happens, you're not shocked  
22 or trying to figure out what's happening because  
23 they already told you. And that was one of the  
24 reason I -- you know -- I probably stayed as long  
25 as I did.

1 Q. Did you believe -- did you believe from  
2 Mr. Ray that it was safe for you to ignore your  
3 body's reaction to the heat?

4 MR. LI: Objection. Leading.

5 THE COURT: Sustained.

6 Q. BY MS. POLK: What was your belief as --  
7 with respect to your body's reaction to the heat  
8 and your decision to stay in?

9 MR. LI: Objection. Leading.

10 THE COURT: Sustained.

11 Q. BY MS. POLK: Mr. Mehravar, if you had  
12 known that people in prior sweat lodge ceremonies  
13 conducted by Mr. Ray had problems --

14 MR. LI: Objection, Your Honor. Assumes facts  
15 not in evidence.

16 THE COURT: Sustained.

17 Q. BY MS. POLK: Did you believe,  
18 Mr. Mehravar, that if something went wrong inside  
19 the sweat lodge, that Mr. Ray would take care of  
20 you or other participants?

21 MR. LI: Objection. Leading.

22 THE COURT: Overruled.

23 You may answer that.

24 THE WITNESS: Absolutely. Yes.

25 Q. BY MS. POLK: And did you believe that

1 Mr. Ray would stop the ceremony if there with were  
2 people dying inside?

3 A. Absolutely. Yes.

4 Q. You talked a little bit under questioning  
5 from Mr. Li about altered states, and he asked you  
6 to agree that an altered state was as simple as  
7 falling in love.

8 What is your understanding of Mr. Ray's  
9 teachings about altered states and what they are?

10 A. As I said before, I've never been in an  
11 altered state. So I have no idea of what would it  
12 feel -- or I have nothing to compare it to that I  
13 can say I've been in this state of mind and that  
14 state of mind is close to altered states.

15 Q. What did Mr. Ray tell you an altered  
16 state was?

17 A. I don't remember. Sorry.

18 Q. It's okay. Mr. Li asked you questions  
19 about choices and whether you had to do the yoga or  
20 you had to do the Holosync or the Holotropic  
21 breathing or the Samurai Game or the Vision Quest.

22 Did you pay \$10,000 to show up and not  
23 participate?

24 MR. LI: Objection. Argumentative.

25 THE COURT: Sustained.

1 Q. BY MS. POLK: What was your intention  
2 when you paid \$10,000 with respect to the  
3 activities at the seminar -- the Spiritual Warrior  
4 seminar?

5 MR. LI: Your Honor, objection. Relevance.

6 THE COURT: Overruled.

7 You may answer that.

8 THE WITNESS: Could you repeat your question.  
9 Sorry. I got distracted.

10 Q. BY MS. POLK: What was your intention  
11 with regard to your participation in the events of  
12 the week when you paid your money and showed up to  
13 attend the Spiritual Warrior seminar?

14 A. I have every intention of doing all the  
15 exercises and things that have been given to me, to  
16 complete them fully, to get the most benefit of  
17 what's been teaching there.

18 Q. Mr. Li read to you a statement that you  
19 made during the Spiritual Warrior seminar. Do you  
20 recall making that statement?

21 A. I recall part of them. Yes.

22 Q. At what point in the seminar did you make  
23 that statement?

24 A. I think it was at the beginning of the  
25 seminar. I don't know if -- what day it was. But

1 I know it wasn't towards the end. It was at the  
2 beginning that we have to write the person that we  
3 want to become to. We start walking around the  
4 circle and then speaking out loud.

5 And after that we were given a chance to  
6 come in the middle of the room and say it out loud  
7 in front of other participants.

8 Q. Who directed you in that activity?

9 A. Mr. Ray.

10 Q. What specifically was the assignment with  
11 respect to what you wrote?

12 A. I believe we watched a part of the  
13 movie -- or we were watching part of the movie.  
14 And we were supposed to write the person who we  
15 want to become when we finished the week.

16 Q. Is it fair to say that was your intention  
17 for the week?

18 A. That is exactly that. We were supposed  
19 to write. Yes.

20 Q. Did you take the opportunity to go to the  
21 mic and read your intention aloud?

22 A. I did.

23 Q. And do you recall other participants  
24 doing that as well?

25 A. I know many people did. I don't recall

1 **any names or any specific person. But I do recall**  
2 **many people getting up and doing it.**

3 Q. And when you did it, there was a  
4 microphone there?

5 A. Yes.

6 MR. LI: Your Honor, may we approach?

7 THE COURT: Ms. Polk.

8 (Sidebar conference.)

9 MR. LI: Ms. Polk would like to play an audio  
10 clip I have not listened to that she has not  
11 announced before today. I have no idea what's on  
12 the tape. She tells me it's Mr. Shore's intention,  
13 which I don't think has any relevance to this  
14 witness's testimony. Moreover, it's being handed  
15 to me right this minute.

16 THE COURT: We can't do it. It just would  
17 risk a problem, Ms. Polk. Obviously I'll hear you.  
18 I'm just concerned about -- go ahead, please.

19 MS. POLK: Your Honor, the state has given  
20 Mr. Li all of the audios, announced our intention  
21 to them, to use the audios throughout as they  
22 become relevant.

23 This clip from James Shore has previously  
24 been provided to them on that master CD that has  
25 all of the audios. And, again, we told them we

1 would play them as relevant.

2 Mr. Li is the one who asked Dennis, this  
3 witness, about his intentions. Mr. Li read out  
4 loud to the jury a transcript of what Mr. Mehravar  
5 read at that time. It's Mr. Li who talked about  
6 the intentions being personal, trying to draw  
7 this -- I'm not going to go to what the point was.

8 But he has made this issue relevant  
9 through this witness. This is the audio of James  
10 Shore. And he took the mic and he read his  
11 statement. And it was, of course, audio recorded.  
12 It has been previously disclosed. I noticed my  
13 intent to use any of those clips as they become  
14 relevant. And now it is relevant.

15 THE COURT: It may be but not with this  
16 witness. He even indicated he didn't know who made  
17 these statements. I don't know if there is hearsay  
18 on it. And I understand it's been disclosed.

19 I thought we had a discussion that  
20 because of the large number of exhibits, there  
21 really has to be some kind of lead time or there is  
22 just no way to realistically address them. I'm  
23 getting that. I don't know the total volume but --

24 MR. LI: It's about 130 some-odd clips,  
25 Your Honor. We were up until 3:00 last night

1 listening to the additional clips the state gave us  
2 relating to other witnesses, objections to them.

3 We have a problem with this, Your Honor.  
4 It cannot be that the state hands us 130 some-odd  
5 clips we have to listen to every day after court to  
6 figure out what's on them.

7 MS. POLK: Judge, this is incorrect. We gave  
8 them all the clips earlier this week, including  
9 this clip. I have told Mr. Li that I will let him  
10 know, and I've tried to let him know, the clips for  
11 the week that I intend to play in my direct.

12 If he opens a topic, it is fair game on a  
13 redirect to go there. And I didn't know that he  
14 was going to question Mr. Mehravar. And by the  
15 way, we have not been provided a transcript by the  
16 defense of what he read. I don't have that  
17 transcript. I understand that the state has the  
18 audio. But we didn't have a transcript made of the  
19 entire week.

20 So he read to this witness from a  
21 transcript. And he went there, and this is now  
22 appropriate on redirect for me to follow up. I  
23 will do my best to let the defense know. And I  
24 have the clips I intend to use in my direct. But  
25 if I'm allowed to do a full and fair redirect,

1 that's where we're at now.

2 MR. LI: If there were a tape of Mr. Mehravar,  
3 that might be another issue. This is a tape of  
4 another participant that has nothing to do with  
5 this individual's testimony. This individual has  
6 told what his various motivations are. That is  
7 extremely tenuous relevance to what Mr. Shore's  
8 motivations were. I have not opened the door to  
9 anything except to this particular witness.

10 THE COURT: The disclosure problem is a tough  
11 one. You know, it's been disclosed. I would have  
12 liked to known earlier if we were going to get into  
13 these issues so we could have a pretrial hearing on  
14 this. That's a problem. I just have to encourage  
15 the cooperation.

16 Ms. Polk, with regard to this, I thought  
17 initially it was going to be the actual recording  
18 of what Mr. Li had. And this is of James Shore.  
19 That's going to really interject Sixth Amendment  
20 confrontation type problems.

21 MS. POLK: This is James Shore, not James Ray.

22 THE COURT: I said -- okay. James Shore.  
23 That's what I meant.

24 It raises real right of confrontation,  
25 that type of issue. Not Crawford. But if there is

1 other hearsay buried in there, there is still that  
2 type of problem.

3 And I'm just hearing from this witness.  
4 He's already said he just didn't know who got up  
5 there. It would be leading him to this. I'm not  
6 saying it's admissible at some point. But with  
7 this witness -- it's not admissible through this  
8 witness.

9 MS. POLK: Your Honor, the state will  
10 withdraw, but I will renew with respect to other  
11 witnesses.

12 THE COURT: Everyone is on notice.

13 MR. LI: Your Honor, we'll bring this up at  
14 the break. I think this is one of the reasons why  
15 we draw -- question matters related to the lawsuit.  
16 Because we think there is a lot of evidentiary  
17 issues we need to iron out so we can do this  
18 quickly, smoothly, and efficiently.

19 (End of sidebar conference.)

20 Q. BY MS. POLK: Sir, you were asked a  
21 couple questions about the Samurai Game, and you  
22 mentioned that you died in that game. At what  
23 point were you pronounced dead?

24 A. **Probably I would say in the middle of the**  
25 **game.**

1 Q. Who was it who pronounced you dead?

2 A. **If I look at the eye of a ninja on the**  
3 **other group, I was dead. So I -- I looked at -- I**  
4 **had eye contact with him. So I just dropped myself**  
5 **and died. I was considered dead.**

6 Q. You knew that you had violated a rule?

7 A. **That is correct.**

8 Q. And tell us what rule you violated.

9 A. **If you were -- if you had had eye contact**  
10 **with the opposite -- the opponent's person or**  
11 **character called "ninja," then -- then you**  
12 **automatically died.**

13 Q. You self-reported, in a sense?

14 A. **That is correct.**

15 Q. Do you know how long you laid there for  
16 after you died?

17 A. **No, I don't. I don't remember.**

18 Q. Was it before or after dinner? Do you  
19 remember?

20 A. **It was after dinner.**

21 Q. You were asked some -- you were asked to  
22 agree that Mr. Ray emphasized hydrating all week  
23 long. Do you recall that?

24 A. **That is correct. Yes.**

25 Q. Did Mr. Ray ever tell you why you had to

1 hydrate?

2 A. **No.**

3 Q. Would it have made a difference to you if  
4 you had known that you were entering the sweat  
5 lodge environment?

6 A. **Yes. It would have.**

7 Q. Then you were asked some questions about  
8 leaving Mr. Ray's ceremony between rounds. Did  
9 Mr. Ray ever tell you how to leave if you were  
10 unconscious?

11 MR. LI: Objection. Argumentative.

12 THE COURT: Sustained.

13 Q. BY MS. POLK: Did you have an  
14 understanding, sir, of how a person who becomes  
15 unconscious could leave the sweat lodge?

16 A. **No.**

17 Q. In that briefing by Mr. Ray before you  
18 all entered the sweat lodge, Mr. Ray told you it  
19 was okay to die and that you have to surrender to  
20 death to conquer death. Do you recall that?

21 MR. LI: Objection. 106, Your Honor.

22 THE COURT: Overruled.

23 THE WITNESS: I remember that.

24 Q. BY MS. POLK: What did you understand  
25 that to mean?

1 A. **My understanding was a metaphor of dying**  
2 **of old self and borning (sic) of a new person**  
3 **coming out. Not in a physical sense.**

4 Q. You described how close you were and how  
5 many people were in the sweat lodge. And then you  
6 were asked about what you could see had you been  
7 lying down. Do you recall that line of  
8 questioning?

9 A. **Yes, I do.**

10 Q. Tell the jury what round it was that you  
11 lost -- you last had any consciousness about what  
12 was going on in the sweat lodge.

13 A. **I think by third round I was there but**  
14 **not fully aware of everything. But I was still**  
15 **conscious. Just that I really didn't know exactly**  
16 **what's happening.**

17 Q. Were you aware of what people around you  
18 were saying after the third round?

19 A. **No. The best way to describe it is like**  
20 **you're falling in and out of sleep and sometimes**  
21 **you hear things. But even though you hear them,**  
22 **you don't recognize what exactly it is. And**  
23 **sometimes you do. That's my best way of saying**  
24 **what state I was in.**

25 Q. You did tell the jury that you remember



1 Mr. Ray saying you are more than this? You are  
2 better than this?

3 **A. We did that from -- right from the round**  
4 **first when people were leaving.**

5 **Q.** What did that mean to you?

6 **A. It means you can do it and you shouldn't**  
7 **leave.**

8 **Q.** Did Mr. Ray's words, that you are more  
9 than this, you are better than this, affect your  
10 attitude towards staying in?

11 **A. I would say yes.**

12 **Q.** And in what way?

13 **A. Is that it is doable and all you have to**  
14 **do is just push a little bit harder and you can do**  
15 **it.**

16 **Q.** And then you were asked some questions by  
17 Mr. Li about what you would have done had you known  
18 somebody near you was dying. Do you recall those  
19 questions?

20 **A. Yes, I do.**

21 **Q.** When you signed up for the Spiritual  
22 Warrior 2009 seminar, did you -- did you believe it  
23 was your role to take care of the well-being of  
24 other participants?

25 **A. No. It wasn't. And -- and again at that**

1 **time -- it's different when you're driving your car**  
2 **and you see a car accident, you're coming out to**  
3 **help. I mean, I -- that's normal human reaction**  
4 **when you see someone that needs help.**

5 **At that time myself I wasn't aware what's**  
6 **going on completely around me. So I -- I mean, I**  
7 **was in no position to help anyone.**

8 **Q.** When you signed up for the Spiritual  
9 Warrior 2009 seminar and participated in Mr. Ray's  
10 sweat lodge ceremony, who did you expect would take  
11 care of you?

12 **A. Mr. Ray.**

13 **Q.** And then in response to a question or a  
14 couple questions from Mr. Li about even if you  
15 hadn't been impaired or incapacitated --

16 MR. LI: Objection. Misstates the evidence.

17 THE COURT: The question wasn't completed.

18 Go ahead and phrase a question, please,  
19 Ms. Polk.

20 **Q.** BY MS. POLK: Do you recall your answer  
21 to a question from Mr. Li about whether you would  
22 take care of other people next to you who were  
23 dying? You stated, I would have waited until the  
24 round was over. Do you recall that?

25 **A. Yes. I recall that.**

1 **Q.** You stated you would not interrupt

2 Mr. Ray's ceremony.

3 **A. I recall that.**

4 **Q.** Why would you have waited -- why would  
5 you not have interrupted the ceremony to take care  
6 of someone next to you dying? Why would you have  
7 waited until the round was over?

8 **A. I think Mr. Ray would have got upset and**  
9 **not liked the fact that I'm interrupting the**  
10 **ceremony.**

11 **Q.** Why do you think Mr. Ray would have  
12 gotten upset if you would have interrupted his  
13 ceremony?

14 MR. LI: Objection. Calls for speculation.

15 THE COURT: Sustained.

16 **Q.** BY MS. POLK: Well, why do you believe --

17 MR. LI: Same objection.

18 THE COURT: Sustained.

19 **Q.** BY MS. POLK: You were asked some  
20 questions about the lady named Lisa who tended to  
21 you once you were taken outside the sweat lodge.

22 **A. Yes.**

23 **Q.** Did Mr. Ray or anybody from James Ray  
24 International ever tell you that Lisa was a nurse?

25 **A. No.**

1 **Q.** At any time during the week of the  
2 Spiritual Warrior 2009 seminar, were you told that  
3 Lisa was a nurse?

4 **A. No.**

5 **Q.** When you agreed with Mr. Li that Lisa is  
6 a nurse, do you even know if that's true?

7 **A. No.**

8 **Q.** And before you went into Mr. Ray's sweat  
9 lodge ceremony, did he discuss with any of you an  
10 emergency plan if something should go wrong?

11 **A. No.**

12 MS. POLK: Thank you, sir.

13 Thank you, Your Honor.

14 THE COURT: Thank you, Ms. Polk.

15 Members of the jury, any questions for  
16 this witness?

17 No. Okay.

18 Then, Counsel, may Mr. Mehravar be  
19 excused as a witness at this time?

20 MS. POLK: Yes, Your Honor.

21 MR. LI: Yes, Your Honor.

22 THE COURT: Sir, you will be excused as a  
23 witness. Recall the rule of exclusion of witnesses  
24 I have explained to you. Do you have any questions  
25 about that?

1 THE WITNESS: No. I'm very clear, Your Honor.

2 THE COURT: Thank you. You're excused at this  
3 time.

4 THE WITNESS: Thank you.

5 THE COURT: Ms. Polk?

6 MS. POLK: Your Honor, the state calls  
7 Mr. Michael Olesen, please.

8 THE COURT: Okay.

9 Sir, please step to the front of the  
10 courtroom where the bailiff is directing you.

11 Raise your right hand and be sworn by  
12 the clerk.

13 MICHAEL E. OLESEN,  
14 having been first duly sworn upon his oath to tell  
15 the truth, the whole truth, and nothing but the  
16 truth, testified as follows:

17 THE COURT: Please be seated here at the  
18 witness stand.

19 Sir, would you please begin by stating  
20 and spelling your full name.

21 THE WITNESS: My name is Michael Edward  
22 Olesen, M-i-c-h-a-e-l, E-d-w-a-r-d, O-l-e-s-e-n.

23 THE COURT: Thank you.

24 Ms. Polk, when you're ready.

25 MS. POLK: Thank you, Your Honor.

1 DIRECT EXAMINATION

2 BY MS. POLK:

3 Q. Good afternoon, sir.

4 A. Good afternoon.

5 Q. Mr. Olesen, will you tell us what  
6 community you live in.

7 A. Campbellville, Ontario.

8 Q. And what is your occupation?

9 A. I trade stocks and options.

10 Q. Trade stocks?

11 A. Stocks and options and futures.

12 Q. How long have you done that?

13 A. Three years now.

14 Q. Do you know a man named James Ray?

15 A. Yes, I do.

16 Q. How did you come to meet him?

17 A. Actually, I seen him at a seminar in  
18 Toronto many years ago.

19 Q. Do you know what year that was?

20 A. No. I don't offhand.

21 Q. Do you know what kind of seminar it was?

22 A. Yeah. It was a -- it was a seminar on,  
23 basically, different ways of creating income. They  
24 had people there from real estate and all kinds of  
25 different things you could do, different people

1 with -- you know -- franchise operation, all kinds  
2 of business opportunity type stuff. And it was --  
3 they had all kinds of guest speakers, and he was  
4 one of the guest speakers.

5 Q. Why were you at that seminar?

6 A. I like to go to that kind of stuff to see  
7 what's out there. And I was actually doing some  
8 trading education at the time. And there were some  
9 people there that were -- you know -- education and  
10 seminars and stuff like that. So we went to see  
11 it.

12 Q. Did you have further contact with Mr. Ray  
13 after you first met him then or saw him then?

14 A. Well, we actually bought a little seminar  
15 package there and went -- had future tickets  
16 available to go to a weekend seminar. And I think  
17 it was probably a year later, I think, by the time  
18 we went. We went to the one in -- I believe it was  
19 in Dallas, I believe.

20 Q. And you're saying "we." Who else are you  
21 referring to?

22 A. My wife. My wife went with me.

23 Q. What is your wife's name?

24 A. Her name is Danita, D-a-n-i-t-a.

25 Q. Do you recall the name of the event that

1 you went to in Dallas?

2 A. Harmonic Wealth Weekend.

3 Q. Both you and your wife?

4 A. Yes.

5 Q. Did you go to additional seminars after  
6 that?

7 A. Yes, we did.

8 Q. Can you tell the jury all the different  
9 seminars conducted by Mr. Ray that you went to.

10 A. I'll do the best I can remember if I can  
11 get all the names right. There was Creating  
12 Absolute Wealth, Quantum -- God. I can't remember  
13 the exact name of the seminar. But it was -- I  
14 can't remember. But it was Quantum something.  
15 We went to two different ones that were  
16 part of -- the one -- the first one was in Hawaii.  
17 It was Modern Magic. It was a series of four  
18 different seminars in that package. And we went to  
19 two of them, one in Hawaii and one in San Diego,  
20 the following year.

21 And I'm sure there was more. I just  
22 can't remember the names of them all.

23 Q. Can you estimate for the jury how many  
24 different seminars put on by Mr. Ray that you and  
25 your wife attended?

1 **A. Probably at least six.**  
 2 **Q.** Over what period of time?  
 3 **A. Over -- little over two years.**  
 4 **Q.** Are you a member or were you a member of  
 5 Mr. Ray's World Wealth Society?  
 6 **A. Yes, I was.**  
 7 **Q.** Will you tell the jury what that is.  
 8 **A. It was a --**  
 9 MR. KELLY: Your Honor, excuse me. Objection.  
 10 Relevance.  
 11 THE COURT: Overruled.  
 12 You may answer that.  
 13 THE WITNESS: Just supposed to be a group of  
 14 like-minded people that were -- you know -- into  
 15 doing things for the better of the community and  
 16 for the better of the planet. And -- you know --  
 17 hopefully get together with people that were of  
 18 like-mindedness to seek new opportunities. And --  
 19 you know -- because of -- you know -- different  
 20 opportunities, you might run into being with groups  
 21 of people like that. And just to improve yourself  
 22 by being around people that you want to be around  
 23 of the same -- you know -- the same attitude and  
 24 the same way of thinking.  
 25 **Q.** BY MS. POLK: Did it cost to be a member

1 of the World Wealth Society?  
 2 **A. Yes, it did.**  
 3 **Q.** And how much?  
 4 MR. KELLY: Your Honor, objection.  
 5 THE COURT: Sustained.  
 6 **Q.** BY MS. POLK: Mr. Olesen, did you sign up  
 7 and attend Mr. Ray's Spiritual Warrior 2009 seminar  
 8 held here in Yavapai County?  
 9 **A. Yes, I did.**  
 10 **Q.** Do you recall when you signed up?  
 11 **A. Oh, we signed up -- was it one year? It**  
 12 **was either one or two years prior because we**  
 13 **bought, like -- you know -- a package of -- of --**  
 14 **he had offered for a lot of different stuff, like,**  
 15 **a lot of different seminars. And -- I mean, that**  
 16 **wasn't part of the package.**  
 17 **But I think we -- I don't really recall**  
 18 **because, I mean, we did a lot of stuff over those**  
 19 **couple years. And -- you know -- whether we bought**  
 20 **that with the initial package or we waited until a**  
 21 **year later -- I think we waited until a year later**  
 22 **so --**  
 23 THE REPORTER: Excuse me. I need you to slow  
 24 down.  
 25 THE WITNESS: Oh. Sorry.

1 It probably would have been at least  
 2 probably about a year and a half before we went  
 3 that we bought the package.  
 4 **Q.** BY MS. POLK: Did you attend the  
 5 Spiritual Warrior 2009 seminar?  
 6 **A. Yes, I did.**  
 7 **Q.** Did your wife also attend?  
 8 **A. Yes, she did.**  
 9 **Q.** How much did you pay to attend the  
 10 seminar?  
 11 **A. It was \$10,000 a person, roughly.**  
 12 **Q.** Do you recall that the dates of this  
 13 seminar were October 3rd to October 9th of 2009?  
 14 **A. Yes, I do.**  
 15 **Q.** And can I assume that you flew down from  
 16 Canada and came -- found your way here to Yavapai  
 17 County?  
 18 **A. Yes, we did.**  
 19 **Q.** Had you done a -- one of Mr. Ray's  
 20 Spiritual Warrior seminars before 2009?  
 21 **A. No.**  
 22 **Q.** Did you know what the events of the week  
 23 would bring you?  
 24 **A. Not -- not totally. We knew a little bit**  
 25 **because -- you know -- the person leaked out some**

1 **stuff that you're not supposed. But we all knew**  
 2 **that a couple things were happening.**  
 3 **Q.** You just said that a person would leak  
 4 out things or did leak out things they weren't  
 5 supposed to. Who told you you were not supposed to  
 6 leak out things?  
 7 **A. Well, James didn't like people knowing**  
 8 **what was happening at the events because it was**  
 9 **supposed to be part of the experience when you got**  
 10 **to the event. He thought if you knew what you were**  
 11 **doing, it would take away some of what you took out**  
 12 **of the event.**  
 13 **Q.** And you just said "James." Do you mean  
 14 James Ray, seated here at counsel table?  
 15 **A. Yes.**  
 16 **Q.** Had you heard from somebody -- or did you  
 17 know that a sweat lodge was part of the Spiritual  
 18 Warrior 2009 before you arrived?  
 19 **A. Yes.**  
 20 **Q.** Did you know much about it?  
 21 **A. Not really. You know, I just knew it was**  
 22 **a sweat lodge.**  
 23 **Q.** Had you been in a sweat lodge before?  
 24 **A. No.**  
 25 **Q.** And your wife came also to this Spiritual

1 Warrior 2009?  
 2 **A. Yes.**  
 3 **Q. Danita?**  
 4 **A. Danita.**  
 5 **Q. Had Danita been in a sweat lodge before?**  
 6 **A. No.**  
 7 **Q. Did you participate in the various events**  
 8 **of the week fully?**  
 9 **A. Yes.**  
 10 **Q. And that would include Holosync**  
 11 **exercises?**  
 12 **A. Yes.**  
 13 **Q. Recapitulations?**  
 14 **A. Yes.**  
 15 **Q. The Samurai Game?**  
 16 **A. Yes.**  
 17 **Q. Holotropic breathing?**  
 18 **A. Yes.**  
 19 **Q. The Vision Quest?**  
 20 **A. Yes.**  
 21 **Q. Yoga?**  
 22 **A. Yep.**  
 23 **Q. And the sweat lodge ceremony?**  
 24 **A. Yes.**  
 25 **Q. How much sleep did you get that week?**

1 **A. Quite a bit actually. I don't -- I**  
 2 **don't -- I don't take a lot of sleep anyway. So**  
 3 **I'm -- four hours a night is good for me. So --**  
 4 **that's what I normally get.**  
 5 **So I felt like I got lots of sleep. The**  
 6 **night of the Vision Quest I slept off and on, but I**  
 7 **was okay.**  
 8 **Q. Did you stay up late doing some writings?**  
 9 **A. No. I'm not much of a writer so I**  
 10 **didn't -- I didn't dwell a lot on that.**  
 11 **Q. Do you know if your wife stayed up late**  
 12 **doing writings?**  
 13 **A. I don't know. We stayed in separate --**  
 14 **in a separate unit.**  
 15 **Q. You and your wife did not share a cabin**  
 16 **or --**  
 17 **A. No.**  
 18 **Q. When did you learn that you were going to**  
 19 **do a sweat lodge ceremony on Thursday afternoon?**  
 20 **A. You get told that. That was -- you were**  
 21 **told that the morning of when you do it.**  
 22 **Q. Okay. You told us that you knew that a**  
 23 **sweat lodge was going to be a part of the week.**  
 24 **When did you realize it was going to be Thursday**  
 25 **afternoon?**

1 **A. Well, we kind of assumed that with**  
 2 **about -- you know -- a day to go that it was**  
 3 **obviously going to be the last thing because we**  
 4 **hadn't done it yet. And we kind of were -- at that**  
 5 **point knew what we were doing the rest of -- the**  
 6 **rest of Thursday. So that's when we kind of**  
 7 **figured. By -- by -- say, by Thursday we knew**  
 8 **that.**  
 9 **Q. And we've heard from other witnesses**  
 10 **about the briefing that Mr. Ray gave the**  
 11 **participants about what to expect in the sweat**  
 12 **lodge ceremony. Were you present when Mr. Ray gave**  
 13 **his briefing?**  
 14 **A. Yes.**  
 15 **Q. And what did you expect going into the**  
 16 **ceremony?**  
 17 **A. Expected it was going to be warm, hot,**  
 18 **very close and dark. And that's about it.**  
 19 **Q. I can't remember if I asked you. Had you**  
 20 **ever been in any sweat lodge before?**  
 21 **A. No.**  
 22 **Q. And how about your wife?**  
 23 **A. No.**  
 24 **Q. We heard that there was a briefing in the**  
 25 **classroom for the participants on Thursday,**

1 October -- on October 8th. And then we heard that  
 2 you all gathered down by a fire. And I'm going to  
 3 put up on the overhead Exhibit 145.  
 4 Did you gather down by that fire?  
 5 **A. Yes, we did.**  
 6 **Q. Did Mr. Ray talk to you any more when you**  
 7 **were down around the fire?**  
 8 **A. Yes. He did talk to us. Yeah. I can't**  
 9 **remember exactly what he said.**  
 10 **Q. Do you recall if he said anything more**  
 11 **about what would happen inside the sweat lodge?**  
 12 **A. No. I don't -- don't recall what was**  
 13 **said down there.**  
 14 **Q. Sir, I'm going to show you what's been**  
 15 **marked and admitted as Exhibit 143.**  
 16 **A. Uh-huh.**  
 17 **Q. Does that photograph bring back any**  
 18 **recollections for you of the sweat lodge?**  
 19 **A. Well, I remember being there. Yes. I --**  
 20 **you know. But --**  
 21 **Q. Do you see yourself in that photograph?**  
 22 **A. I can't -- I can't make me out. No.**  
 23 **Q. How about your wife?**  
 24 **A. I don't see her. I don't see her.**  
 25 **Q. Did you shave your head, by the way, that**

1 week?

2 **A. Yes, I did.**

3 **Q.** And how about your wife?

4 **A. Yes, she did.**

5 **Q.** Do you recall, Mr. Olesen, where you were

6 in terms of this line to get into the sweat lodge?

7 **A. We were kind of near the end.**

8 **Q.** And again you say "we" --

9 **A. My wife and I.**

10 **Q.** Okay. Once you got inside the sweat

11 lodge, where did you end up sitting?

12 **A. Directly across from the door.**

13 **Q.** And I'm going to put up on the overhead

14 Exhibit 144, which is a simple diagram of the

15 structure.

16 Do you see where it says "entrance," that

17 would be the door?

18 **A. Yes.**

19 **Q.** Can you draw on that screen for the jury

20 your position?

21 How about Danita, your wife? Where did

22 she sit?

23 **A. Right to my left.**

24 **Q.** We've heard from witnesses that there

25 were two rows of people. Is that correct?

1 **A. Yes.**

2 **Q.** Which row were you in?

3 **A. We were closest to the pit.**

4 **Q.** Closest to the pit?

5 **A. Yeah.**

6 **Q.** How much space was between you and the

7 pit?

8 **A. Three -- three to four feet.**

9 **Q.** Do you know someone named Sean Ronan?

10 **A. Yes.**

11 **Q.** And did you know him as a participant in

12 the Spiritual Warrior 2009 seminar?

13 **A. Yes.**

14 **Q.** Did Sean Ronan go into the sweat lodge?

15 **A. Yes, he did.**

16 **Q.** Do you know where Sean was seated?

17 **A. Sean was off to my left. I can't --**

18 **like, he was up in here somewhere. I just don't**

19 **know exactly how many people over, but he was over**

20 **on that side.**

21 **Q.** Do you know someone named Lou Caci?

22 **A. Yes.**

23 **Q.** Where was Lou in the structure?

24 **A. Lou was right behind me.**

25 **Q.** Did there come a time when you and Lou

1 switched places?

2 **A. Yes.**

3 **Q.** Tell the jury about that.

4 **A. After about -- after the third round,**

5 **maybe the fourth. I think it was after the third**

6 **round. I asked Lou to switch with me because I was**

7 **a little hot. So we -- you know -- we -- Lou had**

8 **said when we first moved in -- because I end up**

9 **going around, sitting in front of him. He said if**

10 **you need, we could switch places. So we did.**

11 **Q.** People who don't need much sleep also

12 talk fast.

13 Let's talk about the first three rounds

14 of the seminar. How were you feeling during round

15 one, for example?

16 **A. It was okay.**

17 **Q.** Was it hot?

18 **A. Well, not really. Not yet. I mean,**

19 **there was an initial wave when he threw the first**

20 **pail of water in there. It was kind of -- you**

21 **know -- you get used to that feeling coming at you.**

22 **And it wasn't that bad.**

23 **Q.** How about the second round?

24 **A. Well, it kept getting warmer. But, I**

25 **mean, it was still okay.**

1 **Q.** How about the third round?

2 **A. Third round I was starting to get a**

3 **little -- the front of my legs was getting a little**

4 **warm, so that's when I asked Lou to switch.**

5 **Q.** You used the words "little warm." How

6 warm?

7 **A. Well, they were -- they were very warm.**

8 **I mean, they're not -- weren't burning. But, I**

9 **mean, it wasn't getting -- my skin wasn't burning.**

10 **But, I mean, it was -- it was -- you know. It was**

11 **very, very warm.**

12 **Q.** Were you aware if the door was being

13 opened between rounds?

14 **A. Oh, yeah. You could see -- you could see**

15 **when the door was opened. You just couldn't feel**

16 **it.**

17 **Q.** From your position at the back of the

18 tent --

19 **A. Yeah.**

20 **Q.** -- when the door opened --

21 **A. Yeah.**

22 **Q.** -- did you notice any difference at all?

23 **A. Not in temperature. No.**

24 **Q.** How were you doing during the fourth

25 round?

1 A. Okay. It was -- I think by the end of  
2 the fourth round -- yeah. I was laying down with  
3 my face on the ground because it was getting very,  
4 very hot.

5 Q. Why did you decide to lie down then?

6 A. Well, we -- James had actually told us  
7 before we went in there that if you got too warm,  
8 one of the things you could do was lay down and put  
9 your face on the ground. It would be cooler.

10 And it was actually easier to breathe  
11 because it was -- with the heat and that, it was  
12 getting a little -- you know -- it wasn't difficult  
13 yet at that point. But it was -- it was getting  
14 harder to breathe. And it was just easier to  
15 breathe down close to the ground.

16 Q. When you laid down, where was your head?

17 A. Right on -- I was -- well, actually my  
18 head was -- I laid down with my head towards the  
19 outer -- outer wall of the tent.

20 Q. Will you draw a line representing your  
21 body on this overhead.

22 A. You know, sort of like that. My head was  
23 almost touching the outside of the --

24 Q. Do you know if -- tell the jury if you  
25 know what round it was when you laid down.

1 A. It would have been in the fourth round.

2 Q. Do you know or did you know somebody  
3 named Kirby Brown?

4 A. Yes.

5 Q. Do you know where Kirby was in this  
6 structure?

7 A. No, I don't.

8 Q. Do you know someone named James Shore?

9 A. Yes.

10 Q. Did you know where James Shore was in  
11 this structure?

12 A. James was sort of over where Sean was.  
13 In here somewhere.

14 Q. At some point did things change for you?

15 A. Well, during the fifth round I kind of  
16 made my mind up. I was almost going to leave in  
17 the fifth round and -- I really didn't want to. I  
18 wanted to stay in the whole thing. But I was  
19 starting to feel weak.

20 And I kind of made my mind up in the  
21 fifth round that at the end of that round I was  
22 going to go out. Because I just -- I felt if I  
23 didn't go out, I might not be able to go out on my  
24 own.

25 Q. You just said you wanted to stay in the

1 whole time. Why is that?

2 A. Because I wanted to -- I wanted to  
3 complete it. I had done everything else. You  
4 know. Everything we'd done I had successfully  
5 done. And I wanted to successfully do that just to  
6 prove myself I could do it.

7 Q. What did you do, then, when you decided  
8 you should get out?

9 A. Well, when the -- at the end of round 5,  
10 when the door was open I got up onto my knees and I  
11 crawled around to get out the door.

12 Q. Which -- draw on this overhead which way  
13 you crawled to get out.

14 And, then, sir, once you got out, where  
15 did you go?

16 A. Straight ahead. Kind of half crawling  
17 and half being dragged straight ahead to the end of  
18 the tarp area and just laid flat on my face.

19 Q. Who was half dragging you?

20 A. I believe that Christine Jobe, one of the  
21 Dream Team members, was there when I come out the  
22 door.

23 Q. Why were you being dragged?

24 A. Well, not necessarily dragged. But, I  
25 mean, I was just a little disoriented and I was

1 feeling pretty weak at that point. And I just kind  
2 of -- she didn't want me standing up and she wanted  
3 me to stay down.

4 So maybe the -- maybe the better term  
5 would be she guided me over there. Not necessarily  
6 dragging me. Because I don't think she could drag  
7 me. But -- you know -- we -- she just kind of said  
8 stay down.

9 I was very lightheaded and just -- you  
10 know -- again, the feeling of weakness and very  
11 short of breath. And I just went straight across  
12 with her out to the edge of the -- they had a big  
13 blue tarp laying out there. And I just laid face  
14 down on there, and she hosed me down.

15 Q. How long did you remain there?

16 A. For the entire sixth round.

17 Q. On that tarp?

18 A. Yeah.

19 Q. Did you get anything to eat or drink  
20 while you were out?

21 A. Christine brought me a glass of an  
22 electrolyte drink.

23 Q. And I'm going to put up on the overhead  
24 Exhibit 318.

25 Do you recognize what that is?

1 **A. Yes.**

2 MR. KELLY: Your Honor, I'd stipulate to 318  
3 if it's not been admitted.

4 MS. POLK: It's been admitted, Your Honor.

5 THE COURT: It's in.

6 **Q.** BY MS. POLK: What do you recognize that  
7 to be, sir?

8 **A. That's where they had the drinks sitting**  
9 **there if you wanted to have a drink of water at any**  
10 **time, or the electrolyte mixture, and get out of**  
11 **the sun.**

12 **Q.** Had you taken anything to drink from that  
13 station before you went into the sweat lodge?

14 **A. No. We -- I'd had a couple liters of**  
15 **water that I drank during the morning before we**  
16 **went there.**

17 **Q.** From what source?

18 **A. From one of the wells on the property**  
19 **that I had a -- you know -- we had our jugs that we**  
20 **had with us -- the water bottle.**

21 **Q.** That was the water bottle --

22 **A. Yes.**

23 **Q.** -- that was issued to you at the  
24 beginning?

25 **A. Yes.**

1 **Q.** Were you drinking water from those wells  
2 throughout the Spiritual Warrior week?

3 **A. Yes.**

4 **Q.** Prior to entering into Mr. Ray's sweat  
5 lodge ceremony, did you have anything to eat or  
6 drink from this station?

7 **A. No.**

8 **Q.** After you came out, you got hosed down.  
9 You said that you got some electrolytes to drink?

10 **A. Yes.**

11 **Q.** Did they come from this station?

12 **A. I believe so.**

13 **Q.** Do you know somebody named John Ebert?

14 **A. The name doesn't ring a bell.**

15 **Q.** At some point, Mr. Olesen, did you become  
16 aware of somebody exiting the sweat lodge other  
17 than through the door?

18 **A. Well, that's -- that's now that we're**  
19 **going -- now after I've gone back in and spent the**  
20 **seventh round?**

21 **Q.** Okay. So I got ahead of you?

22 **A. Yeah. You're ahead.**

23 **Q.** Okay. You stayed out how many rounds?

24 **A. One round.**

25 **Q.** And what round was it that you went back

1 in?

2 **A. I believe it was the seventh round.**

3 **Q.** Do you know how many rounds total Mr. Ray  
4 conducted that day?

5 **A. My memory says seven rounds.**

6 **Q.** Do you believe you went in for the last  
7 round?

8 **A. Yes, I did. Well, I know I did.**

9 **Q.** If there was -- when you went in, did --  
10 was there more than one round that you stayed in  
11 for or just --

12 **A. No. The round I went back in for was the**  
13 **last round.**

14 **Q.** Why did you go back in for the last  
15 round?

16 **A. Because my wife was still in there.**

17 **Q.** Did your wife ever come out?

18 **A. No. She stayed in for the whole thing.**

19 **Q.** And why did you go back in just because  
20 your wife was still in?

21 **A. Because I wanted to be in there if she**  
22 **was still in there. I just wanted to be in there**  
23 **in case she needed me or she had a problem.**

24 **Q.** What happened once you went back in for  
25 that last round?

1 **A. Well, I went back in and made my way to**  
2 **the same -- basically, same position I was in. And**  
3 **when I went back in, James said that -- at that**  
4 **point he told everybody they had to lay down**  
5 **because this round was going to be hot.**

6 **And there was one lady, and I believe her**  
7 **name was Linda, that was to the left of my wife.**  
8 **She was leaning against the outer wall of the**  
9 **structure. She wasn't moving or doing much; so I**  
10 **tried to help her lay down. Again, she was**  
11 **right -- basically, right against the outside wall**  
12 **here.**

13 **Q.** Where were you when you went back in?

14 **A. Same spot again. Right beside my wife**  
15 **again. Here.**

16 **Q.** Do you know Linda's last name?

17 **A. No, I don't.**

18 **Q.** Tell the jury what you observed about  
19 Linda.

20 **A. Well, she wasn't responsive. She was --**  
21 **she was just laying there against kind of -- she**  
22 **was sitting up like -- you know -- but leaning**  
23 **against the outside structure. And she -- she**  
24 **had -- you know -- stuff running out of her nose**  
25 **and -- and whatnot. And I was trying to help her**

1 lay down, but I couldn't move her by myself.  
 2 Q. Why not?  
 3 A. She's a -- she's a large woman.  
 4 Q. Were her eyes open?  
 5 A. No.  
 6 Q. Was she saying anything?  
 7 A. No.  
 8 Q. What did you do?  
 9 A. Well, I kept trying to see if I could  
 10 muster up somebody nearby, like one of the guys who  
 11 were all laying along the back of the wall here.  
 12 But nobody was moving or nobody came to help me.  
 13 So finally -- I don't know how long this  
 14 went on, couple minutes or whatever, that I was  
 15 trying to get somebody to -- to help me lift that.  
 16 And then finally James just said, leave her and lay  
 17 down and we have to get on with things.  
 18 Q. James who?  
 19 A. James Ray.  
 20 Q. Had you called out to get someone's  
 21 attention about Linda?  
 22 A. Well, I -- like I said, when I tried to  
 23 move her, I kept asking for somebody. I was  
 24 thinking one of these guys back here would help me,  
 25 but they didn't seem to be -- well, nobody was

1 responding. Everybody was just doing what they  
 2 were doing, which was laying down. And there was  
 3 nobody -- nobody came to help me.  
 4 Q. Was there light in the sweat lodge  
 5 structure at that time?  
 6 A. Yeah. There was -- because the door was  
 7 open so -- the flap was open so you could see.  
 8 Q. What did you observe about those around  
 9 you? You said that nobody was responding.  
 10 Physically, what did you observe about those people  
 11 around you?  
 12 A. They were just laying on the ground. I  
 13 can't speak for anybody up in the front. Just  
 14 talking the back corner here. But they were just  
 15 laying there.  
 16 Q. With eyes open or closed?  
 17 A. No. Everybody's eyes closed.  
 18 Q. Could you see whether people were  
 19 breathing?  
 20 A. Not really. I wasn't really paying that  
 21 kind of attention. I was trying to help Linda.  
 22 Q. What did you say when you said something  
 23 about Linda?  
 24 A. Well, initially I just said that I needed  
 25 help -- I can't remember. I looked over at James

1 when James  
 2 Q. James Ray?  
 3 A. James Ray. And I said that Linda is up.  
 4 You know, she's not down or whatever. I tried to  
 5 get her down with -- but after that I wasn't really  
 6 referring to James Ray. I was just saying -- I was  
 7 shouting because I figured one of these guys back  
 8 there just would -- you know -- sit up and give me  
 9 a hand or something.  
 10 But -- you know -- I don't know what --  
 11 you know -- state they were in as far as themselves  
 12 were. Maybe they didn't hear me. I don't know.  
 13 Q. What did you say to Mr. Ray to call his  
 14 attention to Linda?  
 15 A. Well, initially I just said that -- I  
 16 said that I needed help to get her down. And I  
 17 don't think that I was really directing it to  
 18 anybody in particular. But, like I said, after  
 19 awhile James just shouted out to leave her and lay  
 20 down.  
 21 Q. James Ray?  
 22 A. Yes.  
 23 Q. What words did he use?  
 24 A. He said, leave her. She'll be fine. Lay  
 25 down. He wanted to -- to get the last round

1 started.  
 2 Q. Okay. What did you do?  
 3 A. I laid down beside my wife, and that was  
 4 it.  
 5 Q. Were you concerned about Linda?  
 6 A. I was concerned about everybody but --  
 7 you know -- it's -- you know -- in hindsight, I  
 8 wonder if I should have did something different.  
 9 But I wasn't running the show.  
 10 Q. When you left Linda, how did you leave  
 11 her?  
 12 A. She was -- what do you mean when I left?  
 13 Q. Well, you said James Ray said to leave  
 14 her.  
 15 A. Yeah.  
 16 Q. She would be fine. What physically did  
 17 Linda look like when you stopped trying to help  
 18 her?  
 19 A. Still just slouched up -- up against  
 20 the -- the structure in the same way, just with her  
 21 eyes closed and things running -- you know, stuff  
 22 running out of her nose.  
 23 Q. Did you become aware of Sean Ronan after  
 24 you went back in for --  
 25 A. No. That was before I came out the first



1 time.

2 Q. Okay. Let me back up and talk about Sean  
3 Ronan. When was it that you became aware of Sean  
4 Ronan?

5 A. **Would have been, I believe -- I believe**  
6 **the fourth round. Because I was laying down at**  
7 **that time. And when Sean decided that he wanted to**  
8 **get out, he was -- he came the other way.**

9 Q. What do you mean "the other way"?

10 A. **Well, we were supposed to exit going this**  
11 **direction. Sean was coming this way. And I don't**  
12 **know for a fact, but like -- because, like I say, I**  
13 **was laying face down. I knew it was Sean because I**  
14 **knew Sean's voice.**

15 I think the person that was trying to  
16 help him and stop him from maybe ending up in that  
17 pit was Lou. Because I know Lou's voice too.

18 But I ended up -- the only reason I know  
19 Sean was there because Sean -- when Sean finally  
20 dropped down from his crawling position to flat  
21 out, he was lying across my legs. And he -- he  
22 remained there until that round was over, until the  
23 flap was opened. And then he crawled back around  
24 the proper way with -- and got out.

25 Q. Okay. Did you see Sean Ronan crawl out

1 or are you just assuming?

2 A. **No. I was still down laying on the**  
3 **ground.**

4 Q. How did you get out from under Sean? You  
5 said Sean was on your legs?

6 A. **Yes.**

7 Q. How did you get your body out from under  
8 Sean?

9 A. **Well, no. I'm still there. I stayed. I**  
10 **was -- that's why -- that's why I figured it was in**  
11 **the fourth round. Because I was still there after**  
12 **he left.**

13 Q. Okay. You know that Sean got off your  
14 legs somehow?

15 A. **Yes.**

16 Q. Did you see where Sean went?

17 A. **No. I just assumed he left and got out**  
18 **of the sweat lodge.**

19 Q. Did there come a -- well, what happened  
20 next -- let me ask you this: Did I miss something  
21 from before you left the sweat lodge the first  
22 time?

23 MR. KELLY: Your Honor, object to the form of  
24 the question.

25 THE COURT: Overruled.

1 THE WITNESS: No. That's -- I mean, the only  
2 thing that happened next with me was when the sweat  
3 lodge was over and people were exiting. And again,  
4 I -- I -- it was -- at that point it was -- I don't  
5 remember if it was Lou. But somebody, one of the  
6 other guys -- we needed to help two of the girls  
7 out of there -- one being Linda. She was the last  
8 one. I think the other girl's name that we pulled  
9 out of there --

10 MR. KELLY: Excuse me, Judge. I'm going to  
11 object. It's narrative.

12 THE COURT: There was no question pending.

13 Ms. Polk, please present a question.

14 MS. POLK: I will. Thank you, Judge.

15 Q. Mr. Olesen, did there come a time that  
16 you were aware of a light coming into the sweat  
17 lodge while you were inside?

18 A. **Yes.**

19 Q. When was that?

20 A. **I'm going to say it was round 4.**

21 Q. Before you left the first time?

22 A. **Because I was face down when that**  
23 **happened.**

24 Q. How did you become aware there was a  
25 light inside the sweat lodge?

1 A. **Well, you could see it.**

2 Q. What part -- if you'll show us, what part  
3 of the sweat lodge was the light coming from?

4 A. **I would say right about over here.**

5 Q. Do you know the source of that light?

6 A. **No, I don't. I -- well, I could say I**  
7 **assume somebody lifted up the flap. I don't know.**

8 Q. Did Mr. Ray say anything about that  
9 light?

10 A. **Yes.**

11 Q. What did he say?

12 A. **He said, stop it. It's a disrespect to**  
13 **the ceremony.**

14 Q. What sort of voice did Mr. Ray use?

15 A. **An angry one.**

16 Q. Did that light go away after Mr. Ray said  
17 that?

18 A. **Yes.**

19 Q. Did you become aware at some point of  
20 somebody leaving the sweat lodge from an area other  
21 than the door?

22 A. **Not during the sweat lodge. No.**

23 Q. Once the ceremony was over, how did you  
24 know it was over?

25 A. **Well, because James concluded the**

1 **ceremony. It was done.**

2 **Q.** When the ceremony was over did Mr. Ray  
3 give you all instructions on what to do?

4 **A.** To follow him out going in a clockwise  
5 fashion.

6 **Q.** Is that what you did?

7 **A.** Well, we were -- I was -- I stayed behind  
8 because we were dealing with a couple girls back  
9 there that needed help.

10 **Q.** Why did you decide to deal with the --  
11 the girls who needed help?

12 **A.** Because I felt they needed help.

13 **Q.** Did Mr. Ray tell you to check for people  
14 who might need help?

15 **A.** No.

16 **Q.** When that ceremony was over, did Mr. Ray  
17 himself check for anybody who might need help?

18 **A.** As far as I know he just left, went out  
19 the door. He was the first one and -- you know --  
20 leading everybody out.

21 **Q.** You and who else decided to concern  
22 yourselves with some people who might need help?

23 **A.** Like I said, I believe it was Lou. But I  
24 can't guarantee that. I just -- I'm pretty sure it  
25 was Lou.

1 **Q.** How many people did you see, Mr. Olesen,  
2 once the ceremony was over that appeared to need  
3 help inside the sweat lodge?

4 **A.** Well, the two girls who we helped. And I  
5 was focused on the other people who weren't moving  
6 because we had enough to do just getting the girls  
7 out.

8 **Q.** Did you see other people other than the  
9 two girls who weren't moving?

10 **A.** What I can tell you is when I -- when we  
11 got Linda out, who was the second girl we pushed  
12 and pulled to get her out -- when I sat down and  
13 saw -- I was still inside the door.

14 **And when I sat down and turned around,**  
15 **all I seen was two people laying on the far side.**  
16 **And by that time they already had the outer skin**  
17 **lifted up on the -- on the sweat lodge.**

18 **Q.** How did you help Linda out?

19 **A.** I pushed and -- if it was Lou or whoever  
20 it was was pulling. And we literally -- we just  
21 dragged her across the ground.

22 **Q.** Which way?

23 **A.** We dragged her straight across here. Her  
24 feet were at this end and her head was at this end.

25 **Q.** Where did you take her once you got her

1 toward the entrance?

2 **A.** Well, once we got to the entrance,  
3 somebody else and -- and plus if it was Lou. And  
4 somebody else pulled her out because that's when I  
5 just -- I sat -- sat down at that point because I  
6 was kind of crawling and trying to -- you know --  
7 push her the best you could.

8 **I just sat back. And that's when I**  
9 **turned around and -- to see what else was happening**  
10 **inside there, which I said was --**

11 **Q.** You mentioned helping a second girl out?

12 **A.** Well, before we took Linda out, there was  
13 another girl. And I think her name was Christine.  
14 But I'm not -- I'm not positive about that. She  
15 was -- she was hanging on to the -- to a string  
16 that was wrapped around the structure. And she  
17 wouldn't -- she wouldn't let go.

18 **And we had to, like, pry her hands off to**  
19 **let her -- to let go of this. And then we had**  
20 **to -- because she wasn't -- she wasn't going to get**  
21 **up or crawl or do anything. She was just -- I**  
22 **don't know. She was just in a different state.**

23 **And -- and we dragged her around and got**  
24 **her out, and then we went back and got Linda.**

25 **Q.** Show us on this diagram where the lady

1 who was clinging to the string was.

2 **A.** She was on -- she was on my right-hand  
3 side over -- it's hard to draw on this. Over here.

4 **Q.** Which direction did you get this lady  
5 out?

6 **A.** Well, we went the same way. We took her  
7 over that way.

8 **Q.** How many people did it take to get that  
9 lady out?

10 **A.** Just the two of us.

11 **Q.** Was she saying anything?

12 **A.** No. Well, not saying anything. She was  
13 just kind of mumbling.

14 **Q.** Did you understand anything she was  
15 saying?

16 **A.** No.

17 **Q.** So you pulled that lady out, and you went  
18 back in and got Linda. You pulled her out?

19 **A.** Yes.

20 **Q.** And then you sat at the entrance of  
21 this --

22 **A.** Yeah. I just kind of sat down and --  
23 because, like I said, we -- I just finished  
24 pushing -- because it was quite an effort to -- to  
25 get Linda out. So then I just sort of sat back

1 and -- because at that point -- I mean, I wasn't  
2 feeling that bad at that point because I had been  
3 out for a round and I was refreshed.

4 So -- you know -- I wasn't in a drastic  
5 state to crawl out. But I just kind of sat down.  
6 Don't ask me why. I just got down right in the  
7 doorway and looked over my shoulder to see what --  
8 what was still in there.

9 Q. Tell the jury what you saw when you  
10 looked over your shoulder to see what was going on.

11 A. I could see there was two people still  
12 laying against the back wall and the backside of  
13 the -- of the -- whatever the skin of that was.  
14 The canvass or whatever had been peeled up so you  
15 could see right out.

16 Q. Did you see those two people taken out?

17 A. Yeah. They were pulled out.

18 Q. What did you do next?

19 A. I came out through the front door.

20 And -- actually when I came out there, I just  
21 started to -- because my wife was helping somebody.  
22 So I went and got her a pail of water because some  
23 of the people where they were the hose wouldn't  
24 reach them. So we were filling up pails of water  
25 to go over and dump on people.

1 Q. Do you recall who all you put buckets of  
2 water on?

3 A. Just a couple people that were out in the  
4 front sort of to the -- sort of over -- over in  
5 this area.

6 Q. Did you know someone named Liz Neuman?

7 A. I know Liz. Yeah.

8 Q. Did you pour water on Liz?

9 A. I -- I don't know.

10 Q. How many people were getting buckets of  
11 water to cool other participants off?

12 A. Couple.

13 Q. A couple people?

14 A. Yeah.

15 Q. And how often did you fill up buckets of  
16 water to cool off people?

17 A. I might have had two or three buckets.  
18 That's all. It wasn't -- it was -- you know.  
19 There was other people taking care of other people  
20 out there. And so there's just a few people left  
21 that my wife was kind of working with that -- that  
22 I got her water for.

23 Q. Where did you get the water from?

24 A. Oh, just one of the hoses that they were  
25 using to hose other people down.

1 Q. And how large were the buckets?

2 A. I don't know. They were, like, a couple  
3 gallons.

4 Q. Were you aware of the air temperature at  
5 the time that you were cooling people off with  
6 buckets of water?

7 A. It was warm outside.

8 Q. And how were you feeling at that time?

9 A. Well, like I say, because I had come out  
10 and had my round out, I wasn't too bad. I was  
11 actually fine.

12 Q. Do you know someone named Stephen Ray?

13 A. I know who he is. Yeah.

14 Q. Pardon me?

15 A. I knew -- I knew -- I didn't know him  
16 personally, but I knew who he was. Yeah.

17 Q. Did you become aware of Stephen Ray at  
18 some point after the ceremony was over?

19 A. Not -- not him particular. No. I  
20 just -- no.

21 Q. Who did you become aware of or who -- let  
22 me ask -- let me ask you this: Who did you  
23 specifically assist outside the sweat lodge?

24 A. Well, again, I don't know. I mean, a lot  
25 of those people I don't know their names. And I

1 was just kind of helping my wife who was -- you  
2 know -- dealing with a couple of these people. And  
3 I just was bringing her water. That's all. I  
4 don't know their names.

5 Q. What did you observe about those couple  
6 of people that you and your wife helped?

7 A. Well, they were just -- you know --  
8 struggling for air at times and -- people were just  
9 very delirious or -- or disoriented. You know,  
10 some people were just -- I mean, it was such a  
11 variance of -- of experiences there.

12 I don't know. Some were -- you know --  
13 more distraught than others. And others were --  
14 you know -- seeming fine, just feeling a little  
15 weak and -- you know -- trying to get their breath  
16 back and stuff.

17 Q. How long was it -- how long did you  
18 assist people for?

19 A. Five or 10 minutes. And I then just kind  
20 of -- you know, there was a -- there was a lot of  
21 stuff going on out there. It was -- beyond that, I  
22 mean, there didn't seem to be a lot of people up in  
23 the front side of the tent that -- you know.  
24 Everybody seemed to be coming around and was -- you  
25 know. They seemed to be anyways. So, I mean, I

1 didn't do much after that.

2 Q. Were you aware of Mr. Ray when you were  
3 assisting people?

4 A. Well, I seen -- I seen James at the --  
5 the other side of the -- back here standing there.  
6 Actually, I went back there where they were working  
7 on the people that they had pulled out.

8 Q. What did you see when you went back  
9 there?

10 A. People laying there with people doing CPR  
11 on them. Actually, they were going around asking  
12 if anybody knew CPR because the girls that were  
13 doing it were getting tired. They were looking for  
14 somebody to replace them.

15 Q. Did you know CPR?

16 A. No, I didn't.

17 Q. Do you know who the two people were that  
18 they were working on?

19 A. At the time of looking down, no. I  
20 didn't realize who they were.

21 Q. What do you recall about how those two  
22 people looked?

23 A. Not good. Just -- I mean -- I -- you  
24 know. I'm not a -- I don't know. But it just --  
25 it seemed like a long, long time they were out

1 there being -- you know -- giving CPR.

2 Q. Did you hear Mr. Ray talk to anybody?

3 A. No. The only -- actually, after -- James  
4 was back here watching them for a while. And then  
5 he came over to that tent that -- that was set up  
6 where the electrolytes were. And he was in there  
7 for a bit.

8 And there was one girl that was asking  
9 for him. And I actually went over and got James.  
10 And he came over and he talked to her for a second  
11 or two and said that she's fine. She'll just --  
12 she's just having an experience and she'll be  
13 fine.

14 Q. Did he say what kind of experience she  
15 was having?

16 A. An out-of-body experience.

17 Q. He said she's having an out-of-body  
18 experience?

19 A. I believe so. Yes.

20 Q. What did you observe about that girl that  
21 Mr. Ray told was having an out-of-body experience?

22 A. She just was like -- she was screaming  
23 out his name. She was just very -- I don't know.  
24 She's just, like, screaming and erratic. And she  
25 was wanting James.

1 Q. Where was she?

2 A. She was on the -- on that blue tarp out  
3 front when -- it's hard to show here. It's not far  
4 enough out. But she'd be, like, laying on the tarp  
5 out in front, kind of out where I was when I got  
6 hosed down.

7 Q. During the -- Mr. Ray's sweat lodge  
8 ceremony, during rounds did Mr. Ray ever check on  
9 the conditions of the participants inside?

10 A. Not that I'm aware of.

11 Q. Did anybody from James Ray International,  
12 any of his staff, ever check on the condition of  
13 participants in between rounds?

14 A. I never seen anybody come in and go  
15 around. No.

16 Q. Do you know where Mr. Ray was when you  
17 took care of the first lady, who was clinging to  
18 the string, and got her out?

19 A. No. I was still inside at that point. I  
20 don't know where he was.

21 Q. And do you know where Mr. Ray was when  
22 you went back in and dragged Linda out?

23 A. No.

24 Q. When you, Mr. Olesen, came out of the  
25 sweat lodge the first time, did you get hosed down?

1 A. Yes.

2 Q. And when you came out at the end, did you  
3 get hosed down?

4 A. No. I didn't require it at that time.

5 Q. Was there somebody hosing people down  
6 that you saw?

7 A. Yes, there was.

8 Q. With respect to the people at the outside  
9 who had been pulled out, did you render any  
10 treatment to them?

11 A. No.

12 Q. Did you see if anybody was cooling them  
13 down with water?

14 A. They were -- all I -- all I remember them  
15 doing was -- was doing CPR on them to try and  
16 revive them.

17 MS. POLK: Thank you, Mr. Olesen.

18 Thank you, Your Honor.

19 THE COURT: Thank you, Ms. Polk.

20 Ladies and gentlemen, we will go ahead  
21 and take the afternoon recess.

22 Mr. Olesen, I want to remind you of the  
23 rule of exclusion of witnesses. It has been  
24 invoked. That means you cannot discuss your  
25 testimony or this case with any other witness until

1 the trial is over.  
2 It's a good idea not to talk to anyone  
3 about the case until it is over. You can talk to  
4 the lawyers, however, so long as another witness is  
5 not present.

6 Do you understand?

7 THE WITNESS: Yes.

8 THE COURT: Okay.

9 Ladies and gentlemen of the jury, please  
10 remember the admonition. And you are excused for  
11 the afternoon recess.

12 Please reassemble at 25 after.

13 (Recess.)

14 THE COURT: The record will show the presence  
15 of the defendant, Mr. Ray, the attorneys, and the  
16 jury. The witness, Mr. Olesen, is back on the  
17 witness stand. And he has previously been sworn.

18 Mr. Kelly.

19 CROSS-EXAMINATION

20 BY MR. KELLY:

21 Q. Mr. Olesen, my name is Tom Kelly. I'm  
22 one of the attorneys representing Mr. Ray.

23 You mentioned to this jury that you're  
24 a -- you've been a stockbroker for about three  
25 years; correct?

1 A. No. I'm not a stockbroker.

2 Q. Okay.

3 A. I trade for myself.

4 Q. Pardon me?

5 A. I trade for myself. I'm not a  
6 stockbroker.

7 Q. I see. So these are your individual  
8 investments?

9 A. Yes.

10 Q. But you had mentioned a three-year time  
11 period, though?

12 A. Yes.

13 Q. What did you do before that?

14 A. I had a furniture installation company  
15 and rental business.

16 Q. Was that in Canada?

17 A. Yes.

18 Q. And you're married to Danita; correct?

19 A. Yes.

20 Q. And do you and Danita have any children?

21 A. No.

22 Q. Now, Mr. Olesen, back on

23 October 8th, 2009, you were interviewed by some  
24 police officers after this accident; correct?

25 A. Correct.

1 Q. My question is, between that date until  
2 your testimony today, have you been interviewed by  
3 police officers on any other occasion?

4 A. Once. Yeah. We were called by the --  
5 I'm not sure exactly who they were. But they were  
6 from the attorney general's office or they were  
7 affiliated with them.

8 And they called us and did a phone  
9 interview with me at home. They interviewed us  
10 and -- and taped it and just asked us what -- what  
11 happened.

12 Q. Did you -- between that date in  
13 October 2009 through today, have you had a chance  
14 to listen to any media reports as they relate to  
15 this incident?

16 A. No. I don't follow that stuff.

17 Q. Did you do any independent research on  
18 the -- on the internet?

19 A. No.

20 Q. Have you spoke with any other folks who  
21 attended this seminar?

22 A. No.

23 Q. Other than your wife, of course?

24 A. Yes.

25 Q. Now, you had mentioned, I believe -- and

1 I was trying to write this down -- that you had  
2 been to several JRI seminars; correct?

3 A. Correct.

4 Q. And it appeared to be four to six  
5 seminars during the last several years. Correct?

6 A. Something like that. Yeah.

7 Q. And it included a membership in something  
8 called the "World Wealth Society"; correct?

9 A. Correct.

10 Q. And you told us that the purpose of that  
11 particular entity was to be a part of or create or  
12 make a better community; correct?

13 A. Correct.

14 Q. To be a part of -- make a better planet;  
15 correct?

16 A. Correct.

17 Q. To explore new opportunities; correct?

18 A. Correct.

19 Q. And, finally, to improve yourself?

20 A. Right.

21 Q. I take it that being -- what you meant as  
22 part of being or creating a better community would  
23 be to assist your community in achieving its  
24 particular goals in terms of civility and quality  
25 of life; correct?

1 **A. Not necessarily my community. Could be**  
2 **helping friends, neighbors, family.**

3 **Q.** In improving the quality of life, helping  
4 them make better decisions, things along that line?

5 **A. Helping them wherever they need help,**  
6 **whatever they ask for.**

7 **Q.** Right.

8 **A. Yeah.**

9 **Q.** So I guess what I'm trying to point out  
10 is the purpose of -- of this particular entity, the  
11 World Wealth Society, was to help you help other  
12 people; correct?

13 **A. Correct.**

14 **Q.** And that could, of course, be anything  
15 depending on the particular needs of a particular  
16 individual; correct?

17 **A. Right.**

18 **Q.** And this is a question, but if -- if  
19 someone came to you with a particular problem, if  
20 you had the tools to assist them in solving that  
21 problem, then you would help them make the right  
22 decisions; correct?

23 **A. Correct.**

24 **Q.** In addition to that, you mentioned making  
25 a better planet; correct?

1 **A. Correct.**

2 **Q.** And what did that involve?

3 **A. Just in being better at what we do, how**  
4 **we live, how we waste stuff, and this kind of**  
5 **stuff. You know, just treating the planet better.**

6 **Q.** So making intelligent choices as it  
7 relates to our planet, how the planet interacts  
8 with all the people on the face of the Earth,  
9 et cetera?

10 **A. To the best of your ability. Yes.**

11 **Q.** So whether it's conservation or  
12 minimizing your use of resources, helping other  
13 people understand those issues, that type of thing?

14 **A. Correct.**

15 **Q.** And, again, correct me if I'm wrong,  
16 Mr. Olesen, but that, then, requires your  
17 intellect, decision making, and choices; correct?

18 **A. Yes.**

19 **Q.** The third thing you said was to help  
20 yourself; correct? Excuse me.

21 The third thing you said was to help  
22 create new opportunities; correct?

23 **A. Was more for looking for opportunity --**  
24 **yeah. Yeah. Between a group of people there would**  
25 **be a chance of opportunities there from anybody.**

1 **Not necessarily coming from me but coming from**  
2 **anybody.**

3 **Q.** As an example, if you were a realtor in  
4 Canada and another participant at a JRI event was  
5 looking for a house in Canada, that might be the  
6 opportunity to get to know a realtor to help you  
7 find a house?

8 **A. Yes.**

9 **Q.** And, of course, in any particular  
10 enterprise or business, that opportunity may exist  
11 just due to the relationships developed during the  
12 JRI events; correct?

13 **A. Could. Yes.**

14 **Q.** Then the final one was improve yourself.  
15 And what did you mean by that?

16 **A. Just to work on -- I mean, we all have**  
17 **strengths and weaknesses and try and work on things**  
18 **to improve just your overall person. You know,**  
19 **maybe to just make better decisions or just -- you**  
20 **know -- the way you carry yourself. Just to become**  
21 **a better person.**

22 **Q.** So as an example, if I'm quick to anger,  
23 these seminars might help me improve my patience?

24 **A. Could. Yes.**

25 **Q.** If I'm vain, these seminars might help me

1 with my vanity; correct?

2 **A. They could.**

3 **Q.** And, in fact, you were asked the question  
4 about whether or not you shaved your head; correct?

5 **A. Uh-huh.**

6 **Q.** You did in 2009?

7 **A. Yes.**

8 **Q.** It's pretty short today.

9 **A. I like it this way.**

10 **Q.** And -- and that was going to be my  
11 question. Obviously that's your choice --

12 **A. Uh-huh.**

13 **Q.** -- to wear your hair in this particular  
14 style; correct?

15 **A. It is.**

16 **Q.** And, for the record, it's very short?

17 **A. Uh-huh.**

18 **Q.** Correct?

19 **A. Yes, it is.**

20 **Q.** So when in the Spiritual Warrior seminar,  
21 like many of these other seminars, if a person had  
22 a problem with vanity, then the JRI employees and  
23 Mr. Ray would present the opportunity to challenge  
24 yourself and overcome that particular problem that  
25 you've identified with yourself; correct?

1 **A. That's the general idea. Yes.**

2 **Q.** And if you didn't think you had a problem  
3 with vanity, if you didn't think that cutting your  
4 hair would help, you were free to make that choice,  
5 as well; correct?

6 **A. Yes.**

7 **Q.** In fact, Mr. Olesen, given your private  
8 business and now your private investment business,  
9 you're the type of person that's readily capable of  
10 making your own decisions; correct?

11 **A. Yes.**

12 **Q.** I want to dispel any rumor or myth that  
13 these JRI activity seminars that you attended was  
14 some type of cult activity, that they were trying  
15 to ensnare you, capture you, and change your  
16 ability to think for yourself.

17 **A. I never said that.**

18 **Q.** No. I know you didn't. And I'm going to  
19 ask you whether you would agree with me that the  
20 JRI seminars were that -- were not that type of  
21 seminar. Correct?

22 **A. To me they weren't.**

23 **Q.** Well, did you see anybody acting like --

24 **A. I can't speak for other people.**

25 **Q.** No. Listen to my question. Did you see

1 anyone acting like they were operating under the  
2 spell of JRI, its employees, or Mr. Ray at any of  
3 these?

4 MS. POLK: Objection. Foundation, Your Honor.

5 THE COURT: Overruled.

6 You may answer that if you can.

7 THE WITNESS: I -- I wouldn't know -- you say  
8 have I seen anybody who was acting that way. I  
9 wouldn't know what that is.

10 **Q.** BY MR. KELLY: You wouldn't have any idea  
11 if somebody was perhaps not exercising free choice?

12 **A. I don't judge what other people are  
13 doing.**

14 **Q.** Well, let me give you this example: I  
15 don't know about in Canada, but in the  
16 United States -- and you're probably familiar just  
17 watching movies -- with the United States Marine  
18 Corps. Have you ever heard about boot camp in the  
19 United States Marine Corps?

20 **A. I hear about all kind of things. Yeah.**

21 **Q.** Have you ever seen a drill instructor and  
22 the motivational speaking abilities of a drill  
23 instructor?

24 **A. Yes.**

25 **Q.** Have you ever seen on a movie or perhaps

1 in your own personal experience where a person like  
2 a drill instructor can convince a person to do  
3 something against their will?

4 **A. Yeah.**

5 **Q.** Like, you know -- well, I won't give an  
6 example.

7 So my question was, at these JRI seminars  
8 that you outlined, the purposes were those that you  
9 articulated to this jury, about improving yourself,  
10 improving your community, improving the planet;  
11 correct?

12 **A. Uh-huh.**

13 **Q.** Yes?

14 **A. Yes.**

15 **Q.** And it wasn't this type of cult  
16 activities that are trying to compel people to do  
17 something against their will. Fair statement?

18 **A. That's a fair -- from my view, yes.**

19 **Q.** You also mentioned -- and this is a  
20 question that -- that you liked to go to that kind  
21 of stuff. And from that response, I take it,  
22 Mr. Olesen, that you've gone to other seminars of a  
23 like nature?

24 **A. Not necessarily a like nature. I mean,  
25 I've been to many trade seminars. And obviously I**

1 **go to -- I like to learn stuff. I like to learn  
2 new information, new ideas.**

3 **Q.** And so my question is going be when were  
4 you attending these other corporate seminars, like  
5 the JRI seminars, you've seen a lot of similarities  
6 between the types of presentations, exercises,  
7 games played; correct?

8 **A. Yes.**

9 **Q.** And, again, the focus of those other  
10 seminars is very similar to JRI, to improve  
11 yourself, improve your life, you're community,  
12 et cetera; correct?

13 **A. Yes.**

14 **Q.** Now I'm going to hand you --  
15 If I may I approach?

16 THE COURT: Yes.

17 **Q.** BY MR. KELLY: -- what's been admitted as  
18 Exhibit 199. And, sir, I realize that the  
19 handwriting on here is not yours. It's a different  
20 witness, Melissa Phillips. But I want you to take  
21 a minute and thumb through Exhibit 199.

22 Did you get a chance to look at it?

23 **A. Yeah.**

24 **Q.** All right. You told Ms. Polk that you  
25 had, in a package, signed up for the Spiritual

1 Warrior about one to two years prior to the event;  
 2 correct?  
 3 **A. Yes.**  
 4 **Q.** Do you recall receiving the participant  
 5 guide similar to Exhibit 199?  
 6 **A. Yes.**  
 7 MR. KELLY: If I may approach, Judge?  
 8 THE COURT: Yes.  
 9 **Q.** BY MR. KELLY: And the function of the  
 10 Spiritual Warrior participant guide was to provide  
 11 information about the event; correct?  
 12 **A. Correct.**  
 13 **Q.** And let me know if you need some help  
 14 reading or seeing any portion of this. Okay?  
 15 And just to summarize, Mr. Olesen, it  
 16 included driving directions, photography and  
 17 recording, planning your trip, required reading,  
 18 what to wear, et cetera; correct?  
 19 **A. Correct.**  
 20 **Q.** And also attached to it was a draft of  
 21 the Spiritual Warrior release waiver of liability;  
 22 correct?  
 23 **A. Correct.**  
 24 **Q.** And in addition to the Spiritual Warrior  
 25 release, in the package was also a release from

1 Angel Valley; correct?  
 2 **A. Correct.**  
 3 **Q.** Now --  
 4 MR. KELLY: If I may approach, Judge?  
 5 THE COURT: You may.  
 6 **Q.** BY MR. KELLY: Sir, I'm going to hand you  
 7 what's been marked as Exhibits 195 and 196 and ask  
 8 you whether you recognize your name and your  
 9 signature on those two documents?  
 10 **A. Yes, I do.**  
 11 MR. KELLY: Your Honor, I'd move to admit 195  
 12 and 196.  
 13 MS. POLK: No objection, Your Honor.  
 14 THE COURT: 195 and 196 are admitted.  
 15 MR. KELLY: Thank you.  
 16 **Q.** Mr. Olesen, we'll start with 195. You  
 17 signed this document on October 3rd, 2009; correct?  
 18 **A. Correct.**  
 19 **Q.** Now, the Exhibit 199, which was the  
 20 Spiritual Warrior participant guide -- you had  
 21 received that months prior; correct?  
 22 **A. I'm not sure how far in advance, but I**  
 23 **know we got it in advance. Yes.**  
 24 **Q.** And did you happen to read through the  
 25 entire Spiritual Warrior guide?

1 **A. No.**  
 2 **Q.** But you had the opportunity to?  
 3 **A. Yes, I did.**  
 4 **Q.** And when you arrived on October 3rd, you  
 5 signed the waiver; correct?  
 6 **A. Correct.**  
 7 **Q.** And did you read it before you signed it?  
 8 **A. No.**  
 9 **Q.** First of all, you read in all bold there,  
 10 it says, please read carefully; correct?  
 11 **A. Uh-huh.**  
 12 **Q.** Is that a yes?  
 13 **A. Yes.**  
 14 **Q.** And were you aware, then, sir, that  
 15 the -- are you aware now that the waiver makes  
 16 reference to the sweat lodge ceremony?  
 17 **A. No.**  
 18 **Q.** Ceremonial sauna involving tight,  
 19 enclosed spaces and intense temperatures; correct?  
 20 **A. Correct.**  
 21 **Q.** You just made the choice not to read it.  
 22 Fair statement?  
 23 **A. Yeah.**  
 24 **Q.** And so when Ms. Polk said, did you know  
 25 about the sweat lodge, you said you heard from some

1 conversation at some other events; correct?  
 2 **A. Correct.**  
 3 **Q.** But you would agree with me that both in  
 4 the Spiritual Warrior participant guide and the  
 5 release that you signed, there was notice of the  
 6 activities; correct?  
 7 **A. Correct.**  
 8 **Q.** Did you happen to read the Angel Valley  
 9 release?  
 10 **A. No.**  
 11 **Q.** And, for the record, it's 196.  
 12 And, again, that's your name. And you  
 13 signed it on October 3rd, 2009?  
 14 **A. Correct.**  
 15 **Q.** And my understanding is these documents  
 16 were presented to you and signed before you began  
 17 the activities. Correct?  
 18 **A. Correct.**  
 19 **Q.** Both the release and Angel Valley waivers  
 20 contain the statement: If you have any questions,  
 21 please ask for our philosophy and mission  
 22 statements. Correct? Do you see that there on the  
 23 first line?  
 24 MS. POLK: Your Honor, objection to  
 25 characterizing an exhibit that is not up on the



1 overhead.

2 MR. KELLY: I'll rephrase the question.

3 Q. Exhibit 196, which is the Angel Valley  
4 waiver, in the bold, first line it says -- I guess  
5 it's the third line, Mr. Olesen. If you have any  
6 questions, please ask for our philosophy and  
7 mission statements. Correct?

8 A. Correct.

9 Q. And I'm going to put back up Exhibit 195  
10 and ask you if the last sentence -- and sir, this  
11 is the release for JRI itself, James Ray  
12 International, the company.

13 And it says, I acknowledge I've been  
14 given the opportunity by the company to ask  
15 questions regarding any aspect, release waiver,  
16 assumption of risk, et cetera; correct?

17 A. Correct.

18 Q. You didn't have any questions; so you  
19 didn't ask any; right?

20 A. Exactly.

21 Q. But you sure had the opportunity;  
22 correct?

23 A. Yes.

24 Q. Going back to Exhibit 196, I have a  
25 question for you. This exhibit in paragraph 5 --

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1 can you read that?

2 A. Yes, I can.

3 Q. Okay. It says, I agree to be vigilant  
4 and to take full and complete responsibility for my  
5 safety and welfare by, among other things, always  
6 using a flashlight at night, by walking at all  
7 times only upon designated paths and trails, and  
8 inspecting any accommodations for and avoiding as  
9 necessary any animals, insects, or reptiles,  
10 et cetera; correct?

11 A. Correct.

12 MS. POLK: Your Honor, pursuant to 106, I  
13 would ask that the entire paragraph be read.

14 MR. KELLY: I'll read the whole paragraph.

15 Q. By using caution with when crossing Oak  
16 Creek on foot bridges and by engaging in swimming  
17 and water activities only with proper caution  
18 and/or supervision. Correct?

19 A. Correct.

20 Q. That's the whole paragraph. You would  
21 agree with me now, having a chance in this trial to  
22 look at Exhibit 196, the Angel Valley waiver, that  
23 Angel Valley identified insets and urged its  
24 participants to take necessary cautions against  
25 insects; correct?

1 A. Correct.

2 Q. When you were there back in October  
3 of 2009, you were given some lodging; correct?

4 A. Correct.

5 Q. And were you aware that the lodging, the  
6 food, was provided by Angel Valley?

7 A. Yes.

8 Q. Who was in your room with you?

9 A. I couldn't give you their names. Two  
10 gentleman.

11 Q. So you and your wife were separated?

12 A. Yes.

13 Q. And I want you, Mr. Olesen, to think back  
14 to that room. When you were in that room with  
15 these other two gentlemen, it was clean, neat, well  
16 taken care of?

17 A. Yes, it was.

18 Q. Did you see any insects?

19 A. No.

20 Q. In addition to the lodge that you were in  
21 at the group gathering hall or the dining hall or  
22 in the sweat lodge, any of those locations, did you  
23 see any insects?

24 A. Not that comes to mind. No.

25 Q. No ants or spiders or flies? Anything?

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1 A. I'm sure there was a fly here or there,  
2 but nothing that bothered me.

3 Q. So it seemed to be clean and insect free;  
4 correct?

5 A. Yes.

6 Q. Did you do the Vision Quest?

7 A. Yes, I did.

8 Q. And, again, were you aware that the  
9 release -- I told the participants about the Vision  
10 Quest. And I'm paraphrasing. We can put the  
11 exhibit up if you need it. But it, essentially,  
12 says it's a multiday event without food or water.

13 Were you aware of that?

14 A. Yes.

15 Q. And you made it through that okay;  
16 correct?

17 A. Yes.

18 Q. You were told, from the time you entered  
19 the Spiritual Warrior Retreat in Sedona until you  
20 left, to hydrate; correct?

21 A. Correct.

22 Q. Did your wife -- on the first day when  
23 you got there and you were challenged to cut your  
24 hair, did she cut her hair?

25 A. Yes, she did.

1 Q. Is that something the two of you talked  
2 about?  
3 A. **Maybe we didn't get into anything deep**  
4 **about it. No. We fully intended to.**  
5 Q. And that was your decision to cut your  
6 hair; correct?  
7 A. **Yes, sir.**  
8 Q. I believe some of the other events during  
9 the seminar were Holotropic breathing. Correct?  
10 A. **Correct.**  
11 Q. And what is that?  
12 A. **It's where you breathe fast.**  
13 Q. Shallow?  
14 A. **Yeah. I think shallow. You breathe fast**  
15 **for a long time. Like feels like an hour. I think**  
16 **it was an hour. I can't remember exactly.**  
17 **But -- and you get cold. Your body gets**  
18 **really cold. And -- and usually I've gone to**  
19 **sleep. That happens to me a bit. I go to sleep.**  
20 Q. Had you done it before?  
21 A. **Yes.**  
22 Q. Did you know -- and I'm not going to ask  
23 you. It's in the release. But you told us you  
24 didn't read the release. So did you know before  
25 you came you were going to be doing that or suspect

1 it?  
2 A. **Yes.**  
3 Q. And when people were there and instructed  
4 to do it, you knew you were going through the same  
5 exercise you had done in the past?  
6 A. **Yes.**  
7 Q. So you breathe fast and shallow for a  
8 long period of time. And you said you just kind of  
9 fell asleep?  
10 A. **Yes. Most of the time that's what**  
11 **happens to me. Yeah.**  
12 Q. About how long into it?  
13 A. **You have no track of time. You have --**  
14 **you have no idea how long you're there. You**  
15 **just -- I mean, you just -- you know, you're --**  
16 **you're breathing. You just -- time just doesn't**  
17 **mean anything. I couldn't -- honestly, I can't**  
18 **even tell you how long it was.**  
19 Q. And then does someone wake you up and say  
20 it's over?  
21 A. **Yeah.**  
22 Q. And you told us that on average you don't  
23 sleep a lot anyway. About four hours a night?  
24 A. **Yeah. Correct.**  
25 Q. And so throughout this seminar you got

1 adequate sleep?  
2 A. **Yes.**  
3 Q. So you had adequate sleep, adequate  
4 water. You were making the decisions as to which  
5 activities to participate or not; correct?  
6 A. **Correct.**  
7 Q. What about the food? How was that?  
8 A. **It was good.**  
9 Q. Did you get enough to eat?  
10 A. **Yes.**  
11 Q. I understand on the Vision Quest the  
12 rules are not to take anything with you to eat.  
13 Correct?  
14 A. **Yes.**  
15 Q. So did you?  
16 A. **I didn't cheat.**  
17 Q. Okay. Correct me if I'm wrong,  
18 Mr. Olesen. But you -- not you. A participant.  
19 If they wanted to take some water or snack on the  
20 Vision Quest, they could have done it; correct?  
21 A. **Of course.**  
22 Q. If they wanted to leave their circle and  
23 go back to the room, they could have done that;  
24 correct?  
25 A. **I'm sure they could. Yes.**

1 Q. In fact, my understanding is a couple  
2 people left during the five-day seminar before the  
3 sweat lodge. Correct?  
4 A. **I don't know. That I don't know.**  
5 Q. After -- after the Vision Quest is over,  
6 then you go back to your room. You meet in a large  
7 room. And there is a -- later that early  
8 afternoon -- later in the day in the early  
9 afternoon, there's a presentation by Mr. Ray.  
10 Do you recall that?  
11 A. **Yes, I do.**  
12 Q. Did you attend it?  
13 A. **Yes.**  
14 Q. Yesterday we had the advantage of  
15 listening to all 45 minutes. You haven't had that  
16 advantage; correct?  
17 A. **Of listening to?**  
18 Q. The tape.  
19 A. **No.**  
20 Q. So you're just testifying based on your  
21 memory; correct?  
22 A. **Correct.**  
23 Q. Which has been some year and a half ago;  
24 correct?  
25 A. **Correct.**

1 Q. You told us a little about -- about what  
2 you remember. You said you remember Mr. Ray  
3 telling everyone it's going to be very hot;  
4 correct?

5 A. Correct.

6 Q. So hot it feels like your skin is going  
7 to fall off; correct?

8 A. I can't say those exact words. But I  
9 don't know.

10 Q. That it's going to be tight, enclosed  
11 place?

12 A. Correct.

13 Q. That it's going to be dark.

14 A. Yes.

15 Q. And all those things happened when you  
16 entered the sweat lodge; correct?

17 A. Yes.

18 Q. Now, do you also remember him telling  
19 people, if they needed to leave how to get out of  
20 the sweat lodge?

21 A. Yes.

22 Q. He said something to the effect, if you  
23 have to leave, go ahead and leave. And if you are  
24 going to leave, leave the way you came in on a  
25 clockwise manner; correct?

1 A. That's not all of it.

2 Q. Okay. What else do you remember him  
3 saying?

4 A. Only when the round is over.

5 Q. Okay.

6 A. You can't just leave anytime. You have  
7 to wait until the door is open.

8 Q. And he said to be careful, to watch out  
9 for legs, arms, knees, things of that nature, other  
10 folks when you're exiting; correct?

11 A. I don't recall that. But yes. Probably  
12 he did.

13 Q. And not to leave unless the round was  
14 over; correct?

15 A. Correct.

16 Q. And you told us on direct that when the  
17 round is over, the flap goes up and some light is  
18 in the sweat lodge; correct?

19 A. Yes.

20 Q. And you made reference to the very hot  
21 rocks that are in the middle. If somebody fell in  
22 there, that could -- you know -- that could hurt  
23 somebody; correct?

24 A. Yes, sir.

25 Q. So he talked about that before you went

1 in the sweat lodge; correct?

2 A. Correct.

3 Q. You recall a person, Elsa, who after  
4 listening to the presentation before the sweat  
5 lodge decided, hey, I'm not going to do this, and  
6 she left; correct?

7 A. I don't know. I don't know who did or  
8 didn't. I -- sorry about that.

9 Q. Well, that's okay. In your --

10 MR. KELLY: May I pull an exhibit, Judge?

11 THE COURT: Yes.

12 MR. KELLY: May I approach, Judge?

13 THE COURT: Yes.

14 Q. BY MR. KELLY: Mr. Olesen, this is a  
15 transcript of an interview dated October 8th, 2009,  
16 between you and Detective Parkinson at Angel  
17 Valley. And what I'm going to do it just ask you  
18 to take a look and -- and read that page.

19 Did you get a chance to look at it?

20 A. Yeah.

21 Q. Okay. Now I'm going to ask you a  
22 question --

23 A. No. I -- I see it there. I -- but I --  
24 I say sitting here right now I don't recall that.

25 Q. Okay. My question is going to be, does

1 that refresh your recollection that you told

2 Detective Parkinson, I know one lady for sure  
3 didn't go in for sure, Elsa?

4 A. I don't -- it doesn't -- it doesn't  
5 jog --

6 Q. Describe --

7 A. No. And I'm not -- obviously I said it,  
8 but I just don't remember.

9 Q. And my question was, does that just help  
10 you remember --

11 A. No.

12 Q. -- and it doesn't?

13 A. No.

14 Q. Okay. But you don't dispute the  
15 accuracy?

16 A. No.

17 Q. After Mr. Ray tells this group about the  
18 sweat lodge, how hot it's going to be, tight,  
19 enclosed spaces, afraid to leave between rounds,  
20 how to leave, then you folks line up and head  
21 towards a fire next to the sweat lodge; correct?

22 A. Correct.

23 Q. And at that point in time you made the  
24 decision, Mr. Olesen, that you wanted to go into  
25 the sweat lodge; correct?

- 1 **A. Correct.**  
 2 **Q.** Nobody was forcing you to go into the  
 3 sweat lodge?  
 4 **A. No.**  
 5 **Q.** You weren't under the spell of Mr. Ray  
 6 and -- you know -- going into the sweat lodge  
 7 against your will; correct?  
 8 **A. No.**  
 9 **Q.** In fact, I think you told us that for  
 10 your personal reasons the commitment that you had  
 11 made to this seminar, you wanted to complete this  
 12 last activity; correct?  
 13 **A. I made the commitment to myself, not the**  
 14 **seminar.**  
 15 **Q.** Thank you for clarifying. I didn't mean  
 16 to anyone else.  
 17 These commitments that we talked about  
 18 for JRI International is the -- to individuals;  
 19 correct?  
 20 **A. Correct.**  
 21 **Q.** To help them improve themselves; correct?  
 22 **A. Correct.**  
 23 **Q.** Be better part of their community and  
 24 planet; correct?  
 25 **A. Correct.**

- 1 **Q.** So part of your commitment was to  
 2 complete this last activity; correct?  
 3 **A. Yes.**  
 4 **Q.** Now, before that there was another game  
 5 called the "Samurai Game"; correct?  
 6 **A. Correct.**  
 7 **Q.** And you participated in that game;  
 8 correct?  
 9 **A. I did.**  
 10 **Q.** You saw some clips from the movie, The  
 11 Last Samurai, with Tom Cruise in it; correct?  
 12 **A. Yes.**  
 13 **Q.** And then the folks had varying roles in  
 14 that game; correct?  
 15 **A. Correct.**  
 16 **Q.** And then there were games?  
 17 **A. Yes.**  
 18 **Q.** And they were strictly games; correct?  
 19 **A. They were --**  
 20 **Q.** Games?  
 21 **A. Yes.**  
 22 **Q.** Not reality is my point; correct?  
 23 **A. No. They weren't reality. No.**  
 24 **Q.** I mean I -- I believe there was a -- a  
 25 battle where you had to stare somebody down with

- 1 your left eye. Do you recall that one?  
 2 **A. Yeah. I didn't do that one.**  
 3 **Q.** Okay. But there were games, and it was  
 4 similar to the other seminars you had been in, a  
 5 corporate exercise; correct?  
 6 **A. Correct.**  
 7 **Q.** And did you participate in a game?  
 8 **A. Yes.**  
 9 **Q.** Which one?  
 10 **A. I had to hold books against the guy**  
 11 **across from me.**  
 12 **Q.** Who won?  
 13 **A. I did.**  
 14 **Q.** And you made the choice to participate in  
 15 that particular exercise; correct?  
 16 **A. Yes.**  
 17 **Q.** And you beat this guy; correct?  
 18 **A. Yes.**  
 19 **Q.** And that was because you looked inside  
 20 yourself and knew that you were strong enough to  
 21 endure the discomfort and pain from holding those  
 22 books up until the other guy caved in; correct?  
 23 **A. Correct.**  
 24 **Q.** And that's not the first time you've done  
 25 that in your life; correct?

- 1 **A. No.**  
 2 **Q.** We've all been in situations where we  
 3 have to out compete, fight through discomfort, to  
 4 accomplish a goal; correct?  
 5 **A. Yes.**  
 6 **Q.** And you would agree with me as a  
 7 businessman that what a person does, then, is take  
 8 that experience -- and even though it's a game,  
 9 they take that experience and they transfer it back  
 10 home to themselves, their community, their job,  
 11 their planet, to make this a better place to live;  
 12 correct?  
 13 **A. Some do. Yes.**  
 14 **Q.** Well, that's the idea; correct?  
 15 **A. Correct.**  
 16 **Q.** And so the Samurai Game was just that,  
 17 fiction with people playing different roles -- some  
 18 had costumes; correct?  
 19 **A. Yes.**  
 20 **Q.** But the entire time, Mr. Olesen, you were  
 21 exercising free choice and you knew it was a game;  
 22 correct?  
 23 **A. Yes.**  
 24 **Q.** You mentioned that you had through the  
 25 course of these seminars met other people, which

1 provided opportunities, new opportunities, where  
2 you were with other folks you met; correct?

3 **A. Well, we met other people. Yes. Whether**  
4 **we got any -- personally any specific opportunities**  
5 **at that point, no. But we met people and there**  
6 **was -- you know -- obviously opportunities out**  
7 **there. Whether they were what you wanted or not**  
8 **was another story.**

9 **Q.** And these people you met during the  
10 seminars, they were from a diverse background;  
11 correct?

12 **A. Yes.**

13 **Q.** Doctors; correct?

14 **A. Yes.**

15 **Q.** Engineers?

16 **A. I can't think of one specific, but I'm**  
17 **sure there was. They were from all walks of life.**

18 **Q.** Yeah. Private businessmen; correct?

19 **A. Yes.**

20 **Q.** And did they in the decisions they made  
21 and these types of exercises, like the Samurai Game  
22 exercise, could have been taught decision making  
23 and those types of skills?

24 MS. POLK: Objection. Foundation.

25 THE COURT: Sustained.

1 **Q.** BY MR. KELLY: During this Samurai Game  
2 in the Spiritual Warrior, again, Mr. Olesen, did  
3 you see anybody who was under the spell of James  
4 Ray or in a trance, engaging in these activities  
5 against their will?

6 MS. POLK: Objection to the form of the  
7 question and calls for speculation.

8 THE COURT: Sustained.

9 **Q.** BY MR. KELLY: Did you see James Ray grab  
10 somebody by the collar, drag them into the Crystal  
11 Hall, and force them to play this game?

12 **A. No.**

13 **Q.** Did you see him at any time force someone  
14 physically to engage in these games?

15 **A. No.**

16 **Q.** Did you hear words of encouragement from  
17 Mr. Ray?

18 **A. Yes. He was pretty intense.**

19 **Q.** Did you hear words like, this is an  
20 opportunity to make your life better?

21 **A. Yes.**

22 **Q.** Did you hear words like, you can do this?  
23 You can break through barriers and accomplish these  
24 personal commitments that you set for yourself?

25 **A. Yes. He's always said that.**

1 **Q.** And when you heard those words, you were  
2 still Mike Olesen, capable of making your own  
3 decision; correct?

4 **A. Yes.**

5 **Q.** Now, before -- before you went into the  
6 sweat lodge after the presweat lodge presentation,  
7 you went over by a fire and threw your journals in  
8 the fire; correct?

9 **A. Correct.**

10 **Q.** You didn't journal much, so you didn't  
11 throw much in the fire, I take it; correct?

12 **A. No.**

13 **Q.** And, again, that journal is another  
14 example of free choice; correct?

15 **A. That's correct.**

16 **Q.** An opportunity was provided 24 hours a  
17 day for participants to journal; correct?

18 **A. Correct.**

19 **Q.** And if they wanted to, you were told that  
20 you could go into the dining room, there would be a  
21 Dream Team member, and if you had some thoughts you  
22 needed to put down, you could put them on paper;  
23 correct?

24 **A. Correct.**

25 **Q.** And then those thoughts are so private

1 and personal, they're burned before the sweat  
2 lodge; correct?

3 **A. Correct.**

4 **Q.** And you just didn't need to do that, so  
5 you didn't?

6 **A. I burned them anyways.**

7 **Q.** But you didn't do much --

8 **A. Well, I had a little bit but not much.**

9 **Q.** When you entered the sweat lodge, did --  
10 well, let me back up.

11 Before you went in the sweat lodge, you  
12 were told to go back to your room and -- and change  
13 your clothes; correct?

14 **A. Yes.**

15 **Q.** And no one prevented you from -- from  
16 getting a drink of water; correct?

17 **A. Correct.**

18 **Q.** In fact, there was lots of water  
19 everywhere; right?

20 **A. Correct.**

21 **Q.** That's correct. This is Exhibit 143.  
22 May I approach, Judge?

23 THE COURT: Yes.

24 **Q.** BY MR. KELLY: I don't know if you can  
25 see yourself.

1 **A. I still can't see. No. I can't tell if**  
 2 **I'm in there or not. I'm in there somewhere. I**  
 3 **know that. But I can't see in the picture. Too**  
 4 **many bald heads.**

5 **Q.** Too many bald heads. Looks like many  
 6 people accepted the challenge to overcome the sin  
 7 of vanity; correct?

8 **A. I believe most of them did. Yes.**

9 **Q.** Now, in this line, given where you were  
 10 seated, are you somewhere in the middle, do you  
 11 believe?

12 **A. No. I was near the end.**

13 **Q.** Towards the end?

14 **A. Yeah.**

15 **Q.** You -- you were instructed on how to  
 16 enter and be seated in the sweat house; correct?

17 **A. Yes.**

18 **Q.** I think the question was, you folks were  
 19 kind of entering in an orderly fashion; correct?

20 **A. Yes. We were following in a single line**  
 21 **behind James.**

22 **Q.** And I asked you, he was the first guy in?

23 **A. Yes.**

24 **Q.** So he wasn't in the back of this line  
 25 pushing people into sweat lodge; correct?

1 **A. Correct.**

2 **Q.** And there weren't people trying to flee  
 3 and run out of the line that you saw; correct?

4 **A. Yes.**

5 **Q.** And tackling them and throwing them in  
 6 the sweat lodge; correct?

7 **A. Correct.**

8 **Q.** They were in a line, orderly, looks like  
 9 visiting with one another, and entering this final  
 10 activity or challenge of the week; correct?

11 **A. Yes.**

12 **Q.** When you went in, sir -- this is  
 13 Exhibit 414. Show us again where you ended up.

14 **A. Well, it's close to where my finger was.**  
 15 **But you get the idea.**

16 **Q.** And there were so many people in there  
 17 that there were two rows; correct?

18 **A. Yes. We were on the second row.**

19 **Q.** The row closest to the pit?

20 **A. Closest. Yes.**

21 **Q.** And the pit, just to make it clear, had  
 22 no fire in it. It was a place for hot rocks;  
 23 correct?

24 **A. Yes.**

25 **Q.** You're in the first row and Lou is in

1 the --

2 **A. He's behind me.**

3 **Q.** In the what we'll call the second row?

4 **A. Well, okay. But technically, the first**  
 5 **row in is the one that's against the outside. The**  
 6 **second row is the one that goes inside.**

7 **Q.** Okay. Let's say it the other way.

8 You're in the second row, the interior row. Lou's  
 9 behind you; correct?

10 **A. Correct.**

11 **Q.** Do you remember James Ray in the presweat  
 12 lodge presentation encouraging people to help one  
 13 another when they're in the sweat lodge?

14 **A. I don't remember that part. Just say I**  
 15 **can't remember that.**

16 **Q.** Do you remember him saying, it's going to  
 17 get hot so that you might have to switch places?

18 **A. Yes.**

19 **Q.** And -- and Lou actually did that with  
 20 you?

21 **A. Yes.**

22 **Q.** Was there a big temperature difference  
 23 between the front row and the back row?

24 **A. No. But you weren't -- you just weren't**  
 25 **right in front of it. That's all.**

1 **Q.** Now, you told us sequentially -- you  
 2 know -- first round you're in there, you said it  
 3 was kind of hot, becomes progressively hotter until  
 4 about the fifth round; correct?

5 **A. Yeah. The fifth round. Well, I was**  
 6 **already laying down by the fourth round. But the**  
 7 **fifth round is -- was around where -- I decided at**  
 8 **the end of that round I had to get out.**

9 **Q.** And you knew, both from what James Ray  
 10 had said in his presweat lodge presentation, as  
 11 well as just simple common sense, that if you --  
 12 you get down closer to the ground, it's going to be  
 13 cooler; correct?

14 **A. Yeah. It was at the first.**

15 **Q.** And when you do that, it was cooler for a  
 16 while?

17 **A. For a while.**

18 **Q.** And you can't stand up in the sweat  
 19 lodge?

20 **A. No.**

21 **Q.** When Lou changes places with you, about  
 22 what round is that? Do you remember?

23 **A. It would be about the start of the fourth**  
 24 **round.**

25 **Q.** After the first round, the doors opened

1 and people left; correct?

2 **A. I don't remember anybody leaving after**  
3 **the first round. I -- I don't remember that.**

4 **Q.** But if they did, you just don't remember;  
5 correct?

6 **A. Yeah.**

7 **Q.** After the second round people left;  
8 correct?

9 **A. You got to remember, we're sitting in the**  
10 **back. It's a little --**

11 **Q.** Okay.

12 **A. -- hard to see what's going on over on**  
13 **the other side.**

14 **Q.** Were you aware that people left in the  
15 third round?

16 **A. No. I was not aware.**

17 **Q.** Well, let me rephrase my question.

18 **A. The first time I remember people leaving**  
19 **was when -- when Sean fell across my legs in the**  
20 **middle of a -- of a round and then left at the end**  
21 **of that round.**

22 **Q.** And that was the first time that you were  
23 aware that people were leaving?

24 **A. Yes.**

25 **Q.** Did you know that you were not the only

1 person who left the sweat lodge, cooled off, and  
2 went back in?

3 **A. I don't know that for -- I don't know who**  
4 **went back in. I have no idea.**

5 **Q.** But your recollection today is that the  
6 first time you knew anyone was leaving was when  
7 Sean left; correct?

8 **A. Yes.**

9 **Q.** And about when was that?

10 **A. It would be the fourth -- after the**  
11 **fourth round.**

12 **Q.** Your lack of awareness, let's call it  
13 that, or inability to see other people leaving --  
14 is that because it's crowded, hot?

15 **A. It was crowded, it's hot, and you're**  
16 **focused on yourself.**

17 **Q.** And the fact that you're --

18 **A. You're focused on how you're feeling.**

19 **Q.** And trying to make it through this  
20 challenge?

21 **A. Yes.**

22 **Q.** Like running a race. Did you engage in  
23 any type of athletic activities throughout your  
24 life?

25 **A. Not lately. No.**

1 **Q.** When you were younger?

2 **A. Yes.**

3 **Q.** What?

4 **A. Hockey.**

5 **Q.** Okay. There you go. So you know in  
6 getting in shape to play a hockey game, you got to  
7 push your limits; correct?

8 **A. Correct.**

9 **Q.** And as you're doing that, sometimes  
10 you're focusing on yourself and you're not really  
11 aware of what's going on around you; correct?

12 **A. That's correct.**

13 **Q.** Plus it's dark between the rounds;  
14 correct?

15 **A. Correct.**

16 **Q.** The only light that comes in is the  
17 doorway; correct?

18 **A. Yeah.**

19 **Q.** And there's a lot of folks in there;  
20 correct?

21 **A. Correct.**

22 **Q.** And they're all seated down or lying  
23 down; correct?

24 **A. Yes.**

25 **Q.** You'd agree with me that when you're

1 lying down, you can't see as well as when you're  
2 sitting up; correct?

3 **A. Correct. Especially with your face down.**

4 **Q.** Yeah. And if you were faced down in the  
5 dirt, it's even worse; correct?

6 **A. Correct.**

7 **Q.** So there's a point in time when you tell  
8 us that James Ray said something like -- there was  
9 light in the tent and he said something like, stop  
10 it. You're disrespecting the ceremony. Correct?

11 **A. Correct.**

12 **Q.** Now, James was all the way across the  
13 sweat lodge from you; correct?

14 **A. Correct.**

15 **Q.** And there were other people seated more  
16 closely to James Ray than you were; correct?

17 **A. Correct.**

18 **Q.** Did you hear James Ray during that  
19 statement make reference to a flashlight?

20 **A. No.**

21 **Q.** If a person sitting next to him said,  
22 James Ray made this statement because he thought it  
23 was a flashlight, would that surprise you?

24 **A. I didn't hear, so I can't -- I can't**  
25 **comment on that.**

1 Q. So the only thing you heard was the part  
2 about this is disrespecting the ceremony; correct?

3 A. Yes.

4 Q. You didn't say -- you didn't hear turn  
5 off the flashlight? It's disrespecting the  
6 ceremony? Correct?

7 A. No.

8 Q. But if a person sitting next to him said  
9 that, you wouldn't have any reason to dispute that;  
10 correct?

11 MS. POLK: Objection. Asked and answered.

12 THE COURT: Sustained.

13 Q. BY MR. KELLY: So what -- what you  
14 remember, Mr. Olesen, or what you believe happen  
15 is -- first of all, there is not a flashlight in  
16 there; correct?

17 A. Not that I'm aware.

18 Q. What you believe happened is someone  
19 lifted up the -- the tarps on the exterior of the  
20 tent; correct?

21 A. That's what I assumed. Yes.

22 Q. And, again, that's just basic logic. You  
23 know that if it's dark, it's enclosed, it's tight,  
24 the door is shut and all of a sudden there's  
25 light --

1 A. It's got to come from somewhere.

2 Q. -- that somebody could have just lift up  
3 the bottom; correct?

4 A. Correct.

5 Q. Did you know that people -- you said your  
6 face was pretty close to the flap or the edge of  
7 the tent?

8 A. The edge, yes.

9 Q. Did you ever reach under there and lift  
10 it up and get a little air?

11 A. No.

12 Q. Did you know other people were doing  
13 that?

14 A. No.

15 Q. Did you ever think about doing that?

16 A. Oh, yeah.

17 Q. Why didn't you?

18 A. Just because I decided not to. That's --  
19 that's like -- that's cheating.

20 Q. Okay. So --

21 A. That's just a personal thing.

22 Q. And that's my point. If a person reaches  
23 their -- under their hand to get some cold air in  
24 the sweat lodge when they're in a position similar  
25 to yours, that's their decision; correct?

1 A. Correct.

2 Q. And if they can do that and be  
3 comfortable with their decision, then they ought to  
4 be able to do that; correct?

5 A. Exactly.

6 Q. But you were trying to play what I  
7 guess -- what I've heard is full on; correct?

8 A. Correct.

9 Q. And not do that; correct?

10 A. Correct.

11 Q. Your wife was doing the same thing;  
12 right?

13 A. Yes.

14 Q. In fact, she made it through all -- and I  
15 believe most people believe there are eight rounds  
16 but --

17 A. Easy to lose track in there.

18 Q. Right. You made it through all the  
19 rounds except one?

20 A. Except for one.

21 Q. But, again, the decision to leave was a  
22 choice that people had to make on their own;  
23 correct?

24 A. Yes.

25 Q. Or the decision to stay; correct?

1 A. Correct.

2 Q. Do you remember a time in which -- did  
3 you meet a -- a guy from -- his first name is  
4 Dennis, from Canada and Iran?

5 A. Rephrase that again.

6 Q. He's an Iranian who lives in Canada, and  
7 his first name is Dennis.

8 A. I know Dennis. Yes.

9 Q. Okay.

10 MS. POLK: Objection to characterization of  
11 his citizenship.

12 THE COURT: Sustained.

13 Q. BY MR. KELLY: Do you know a guy from  
14 Canada named Dennis?

15 A. Yes.

16 Q. Did you see Dennis during the sweat lodge  
17 ceremony?

18 A. Once we were in the sweat lodge, no. I  
19 don't know where Dennis was.

20 Q. Did you hear him make any statements  
21 while he was in there?

22 A. Not that I'm aware of. No.

23 Q. You said you know Lou; correct?

24 A. Yes.

25 Q. Do you recall a time in which Lou had a



1 problem in the sweat lodge?

2 **A. I didn't know he had a problem until**  
3 **after I was out of the sweat lodge.**

4 **Q.** And please answer these questions  
5 thinking back to -- you know -- the time that  
6 you're in the sweat lodge.

7 **A. Yes. I know. I didn't -- I didn't know**  
8 **that at all.**

9 **Q.** So you didn't hear anything from Dennis  
10 and you're not aware of any activity involving Lou?

11 **A. No.**

12 **Q.** You -- Mr. Olesen, you mentioned -- and  
13 I'll put up on the screen 318.

14 You mentioned that when you left that  
15 round, someone hosed you down and came out and gave  
16 you a drink of water or electrolytes; correct?

17 **A. Yes.**

18 **Q.** And you corrected Ms. Polk and said that  
19 you weren't actually dragged out of the tent. You  
20 were crawling out and people were helping you;  
21 correct?

22 **A. Yes. Christine helped me or she guided**  
23 **me to where she wanted me to --**

24 **Q.** And she did not want you --

25 **A. No.**

1 **Q.** -- to stand up quickly; correct?

2 **A. No, she didn't.**

3 **Q.** Probably because she didn't want you to  
4 pass out; correct?

5 **A. Yeah.**

6 **Q.** And so you laid down on the tarp. They  
7 throw some water on you. You take a drink of  
8 water. And then you're worried about your wife; so  
9 you go back in there; correct?

10 **A. Correct.**

11 **Q.** And, again, that was your free choice;  
12 correct?

13 **A. Yes, it was.**

14 **Q.** When you went back in, you didn't have  
15 any conversation with Mr. Ray; correct?

16 **A. No. He said, make way. Mike's coming**  
17 **back in.**

18 **Q.** Okay. So my point is this is the final  
19 round. You know that?

20 **A. Yes.**

21 **Q.** And as you're going back in for the final  
22 round of the sweat lodge, you have to walk right by  
23 Mr. Ray -- correct? -- or crawl right by?

24 **A. Thank you. Yes.**

25 **Q.** And as you crawl by him, you don't say,

1 hey. It's getting a little hot in here, James;

2 correct?

3 **A. Correct.**

4 **Q.** You don't say, I'm worried about my wife,  
5 James; correct?

6 **A. Correct.**

7 **Q.** You don't say, hey. There's a whole  
8 bunch of people out there on a blue tarp that need  
9 help; correct?

10 **A. Correct.**

11 **Q.** And my understanding is James Ray never  
12 left the inside of the sweat lodge. Do you know if  
13 he did?

14 **A. I don't know if he did.**

15 **Q.** And I take it, Mr. Olesen, that given  
16 your decision-making process where you stayed in  
17 and you monitored the temperature, you knew your  
18 own limitations; you left; you went back for the  
19 final round; you were fine after this; correct?

20 **A. Yes.**

21 **Q.** And your wife -- she made it in there the  
22 whole time without cooling off, and she was okay;  
23 correct?

24 **A. Correct.**

25 **Q.** Now, when you go back in there and Linda

1 is up against the side of the tarp sitting there,  
2 your recollection is that James Ray instructs  
3 everyone to lie down?

4 **A. Yes, he did.**

5 **Q.** Are you sure it was Mr. Ray?

6 **A. Yes, it was.**

7 **Q.** Did he -- did he say that to you as you  
8 went by him by the door?

9 **A. No. I was already over in -- on the side**  
10 **there.**

11 **Q.** And presumably the -- and I'm putting up,  
12 Mr. Olesen, Exhibit 414 again. Try to center it  
13 where your approximate location is.

14 **A. Still there.**

15 **Q.** Your wife is right next to you; correct?

16 **A. Yes.**

17 **Q.** And so your recollection is Mr. Ray  
18 said that everyone lie down after you had gotten  
19 back in your spot; correct?

20 **A. Correct.**

21 **Q.** Now, I take it that you were -- had  
22 enough sense -- I'm trying to think of a better  
23 word. Had the ability to go into this dark, tight,  
24 enclosed, hot sweat lodge and -- and find your  
25 exact spot again; correct?

- 1 **A. Yes.**  
 2 **Q.** And, of course, the reason you did that  
 3 is you wanted to be next to Danita; correct?  
 4 **A. Correct.**  
 5 **Q.** Where was Linda from -- approximately  
 6 from this location?  
 7 **A. Over to my left.**  
 8 **Q.** And she's kind of sitting up?  
 9 **A. She's leaning against the --**  
 10 **Q.** Against the sweat lodge.  
 11 And you tell Mr. Ray something to the  
 12 effect -- and I'm paraphrasing -- that she's not  
 13 lying down as instructed; correct?  
 14 **A. Yes.**  
 15 **Q.** And he says something like leave her be?  
 16 **A. It was after I tried to help her for a**  
 17 **while and was trying to get somebody else to help**  
 18 **me because I couldn't do it by myself. Whatever**  
 19 **time went by, it could have been two seconds. It**  
 20 **felt like five minutes but -- and then he finally**  
 21 **just said, leave her. Lay down. Close the flap.**  
 22 **Q.** When you go in in the last round, the  
 23 flap is open; correct?  
 24 **A. Yes.**  
 25 **Q.** And so light is in the sweat lodge?

- 1 **A. There is light there. Yes.**  
 2 **Q.** And you're speaking to Linda for several  
 3 minutes while the flap is still open?  
 4 **A. Correct.**  
 5 **Q.** Not a lot of air is getting to that back  
 6 portion?  
 7 **A. It doesn't move back there. No.**  
 8 **Q.** And correct me if I'm wrong, but the only  
 9 thing you say to Mr. Ray is, She's not lying down;  
 10 correct?  
 11 **A. Basically. Maybe not those exact words.**  
 12 **But yes.**  
 13 **Q.** What you didn't say was, I'm concerned  
 14 about her welfare; correct?  
 15 **A. Correct.**  
 16 **Q.** You didn't say, I think this lady is in  
 17 trouble; correct?  
 18 **A. Correct.**  
 19 **Q.** This lady is mumbling to herself with  
 20 fluids coming out her nose. You didn't say that;  
 21 correct?  
 22 **A. Correct.**  
 23 **Q.** You didn't say -- you know -- based on my  
 24 life experience, I have a real concern for this  
 25 lady; correct?

- 1 **A. Correct.**  
 2 **Q.** And there are a bunch of other people in  
 3 the sweat lodge at this point; correct?  
 4 **A. Yes.**  
 5 **Q.** What do you think? 20? 25?  
 6 **A. Probably that many. Yeah.**  
 7 **Q.** And nobody else is responding when you  
 8 say she's sitting up; correct?  
 9 **A. Correct.**  
 10 **Q.** And you didn't say something like, we've  
 11 got to get her out of here; correct?  
 12 **A. No. I didn't make those words. No.**  
 13 **Q.** You didn't lift up that tarp, like the  
 14 light we had talked about earlier -- lift up the  
 15 tarp that she's leaning against to get her some  
 16 fresh air; correct?  
 17 **A. Correct.**  
 18 **Q.** Obviously, looking back, you probably  
 19 wish you would have done things differently;  
 20 correct?  
 21 **A. Possibly. Yes.**  
 22 **Q.** And after the sweat lodge is over, then  
 23 you help get out -- you help Linda get out of the  
 24 sweat lodge; correct?  
 25 **A. Yes, I did.**

- 1 **Q.** And you helped the lady who's clinging  
 2 onto some strings; correct?  
 3 **A. Correct.**  
 4 **Q.** Are those strings those tobacco pouches  
 5 that you guys had?  
 6 **A. Yes.**  
 7 **Q.** And the tobacco pouches were to represent  
 8 problems you had in life, I think?  
 9 **A. Yes. Things you were expelling, getting**  
 10 **rid of.**  
 11 **Q.** And she was clinging onto her --  
 12 apparently her tobacco pouch as you're trying to  
 13 get her out of there; correct?  
 14 **A. Yes.**  
 15 **Q.** You took her out first? Before or after  
 16 Linda?  
 17 **A. Before.**  
 18 **Q.** Before. And then you went back in, and  
 19 someone helped you, and you guys took out Linda;  
 20 correct?  
 21 **A. Yes.**  
 22 **Q.** And then you know Linda went to the  
 23 hospital; correct?  
 24 **A. I believe she did. Yes.**  
 25 **Q.** Did you know at the hospital that she

1 presented with a headache?  
 2 **A. No. I wasn't at the hospital.**  
 3 MS. POLK: Objection. Foundation.  
 4 THE COURT: Sustained.  
 5 **Q.** BY MR. KELLY: Did you know the reason  
 6 she went to the hospital?  
 7 **A. No.**  
 8 **Q.** Have you seen her since?  
 9 **A. No.**  
 10 **Q.** The other lady that was clinging onto the  
 11 strings -- do you know whether she went to the  
 12 hospital?  
 13 **A. No, I don't.**  
 14 **Q.** And then there was a third lady who  
 15 appeared to be -- exhibit some erratic behavior and  
 16 was screaming out James Ray's name or something;  
 17 correct?  
 18 **A. Correct.**  
 19 **Q.** Do you remember her name?  
 20 **A. No, I don't.**  
 21 **Q.** Do you remember the name of the lady  
 22 holding on to the strings?  
 23 **A. I believe it was Christine.**  
 24 **Q.** Christine? So Christine, Linda, and the  
 25 third person you helped was the one asking for

1 James Ray; correct?  
 2 **A. Yes.**  
 3 **Q.** And so when she was asking or yelling for  
 4 James Ray, you went over to Mr. Ray, told him that,  
 5 and he went over to talk to her; correct?  
 6 **A. Yes.**  
 7 **Q.** How much time, if you know, Mr. Olesen,  
 8 has passed now between the end of the sweat lodge  
 9 and until you make contact with Mr. Ray to tell him  
 10 about this lady?  
 11 **A. No idea. Five minutes, ten minutes. I**  
 12 **don't know.**  
 13 **Q.** And it was chaotic at that point in time?  
 14 **A. Yes, it was.**  
 15 **Q.** You mentioned that you saw people  
 16 administering CPR to some folks; correct?  
 17 **A. Yes.**  
 18 **Q.** This lady screaming; correct?  
 19 **A. Yes.**  
 20 **Q.** Linda is apparently having problems;  
 21 correct?  
 22 **A. Correct.**  
 23 **Q.** And so you believe it's kind of all of a  
 24 sudden a chaotic scene at this place; correct?  
 25 **A. I can't really answer that.**

1 **Q.** Well, you go back --  
 2 **A. You say "all of a sudden."**  
 3 **Q.** Well --  
 4 **A. It didn't just happen all of a sudden.**  
 5 **Q.** You went back in on the -- for the final  
 6 round; correct?  
 7 **A. Yes.**  
 8 **Q.** And you didn't notice those types of  
 9 behaviors?  
 10 **A. There was a lot of people laying on the**  
 11 **mats when I went back in.**  
 12 **Q.** Okay. Listen to my question. You didn't  
 13 notice those types of behavior when you went back  
 14 in; correct?  
 15 **A. Where?**  
 16 **Q.** Well, you didn't hear anybody screaming  
 17 for James Ray's name; correct?  
 18 **A. Correct.**  
 19 **Q.** You didn't see Christine holding on to  
 20 her tobacco pouches?  
 21 **A. Yes. She was.**  
 22 **Q.** When you went in?  
 23 **A. Oh, yes.**  
 24 **Q.** And you didn't do anything as you  
 25 entered?

1 **A. Oh. Me? James told her to get out of**  
 2 **the way and let me in. I'm not the only one that**  
 3 **knew.**  
 4 **Q.** A moment ago I asked you a question about  
 5 when you went back in, did you have any  
 6 conversation with James Ray. We talked about that  
 7 in detail.  
 8 **A. I never had a conversation with James.**  
 9 **Q.** Let me finish my question. Okay? A  
 10 moment ago I asked you, did you enter the sweat  
 11 lodge? Did you see James? Did you follow around  
 12 to take the exact seat? We talked about Linda and  
 13 you what you observed. And the first time you told  
 14 us now that you saw -- what's her name? Christine  
 15 holding on to her tobacco pouch?  
 16 **A. Yeah. She was right there.**  
 17 **Q.** And on October 8th, 2009, you didn't tell  
 18 that to Detective Parkinson; correct?  
 19 **A. Correct.**  
 20 **Q.** You didn't mention that to Ms. Polk on  
 21 direct; correct?  
 22 **A. Correct.**  
 23 **Q.** Now, again, when I say "all of a sudden,"  
 24 maybe that's a poor choice of words. But you went  
 25 back into the sweat lodge for the final round;

1 correct?

2 **A. Correct.**

3 **Q.** And it was after the sweat lodge that

4 this chaotic scene exists; correct?

5 Maybe that's a poor question. I don't

6 want to -- there's a continuum here, is there not?

7 **A. Uh-huh.**

8 **Q.** To where -- and I used the word "all of a

9 sudden." And I -- you know, that's subject to

10 interpretation.

11 **A. Yes, it is.**

12 **Q.** But in a very short period of time, there

13 are these medical emergencies; correct?

14 **A. I don't know how answer how to answer**

15 **that.**

16 **Q.** And you're not, of course, a doctor;

17 correct?

18 **A. Far from it.**

19 **Q.** And when you went back in and you saw

20 these folks lying on their mats, the reason the

21 people were laying down were because that was

22 cooler; correct?

23 **A. Yes.**

24 **Q.** The reason people would leave is to get

25 out of the heat; correct?

1 **A. Well, I can't answer for other people.**

2 **Q.** Well --

3 **A. Sorry.**

4 **Q.** If you got out -- if you left, went out

5 of the sweat lodge, it was going to be cooler;

6 correct?

7 **A. Yes.**

8 **Q.** You used the term -- and maybe this is a

9 better way to describe it. You said that there was

10 a variance of experiences; correct?

11 **A. Correct.**

12 **Q.** And what I took by that is people like

13 you and your wife were fine after the sweat lodge.

14 Correct?

15 **A. Correct.**

16 **Q.** And other people passed away; correct?

17 **A. Correct.**

18 **Q.** So we have quite a spectrum in terms of

19 the varying experiences; correct?

20 **A. Correct.**

21 **Q.** Now, it's not your testimony that Mr. Ray

22 on purpose, intentionally, created the sweat lodge

23 to hurt people; correct?

24 MS. POLK: Objection. Calls for speculation.

25 THE COURT: Sustained.

1 **Q.** BY MR. KELLY: You went into that sweat

2 lodge voluntarily; correct?

3 **A. Correct.**

4 **Q.** And at no time did you believe that

5 people were going to die in the sweat lodge, did

6 you?

7 **A. Correct.**

8 **Q.** And if you would, Mr. Olesen, you would

9 have done something about it; correct?

10 **A. Yes. If I knew that was going to happen,**

11 **yeah.**

12 **Q.** All right. It was never -- when you went

13 into that sweat lodge, you never believed that

14 anyone was going to suffer any type of medical

15 emergency; correct?

16 **A. Yes. Correct.**

17 **Q.** Because given your personality and your

18 strength, you would have done something about it;

19 correct?

20 **A. Yes.**

21 MR. KELLY: Thank you, Mr. Olesen.

22 THE COURT: Thank you, Mr. Kelly.

23 Ms. Polk, redirect?

24 MS. POLK: Yes, Your Honor. Thank you.

25 ///

1 REDIRECT EXAMINATION

2 BY MS. POLK:

3 **Q.** Mr. Olesen, you were asked some questions

4 about whether the various seminars you've attended

5 conducted by Mr. Ray -- whether they were cult

6 activities designed to get participants to do

7 something against their will. Do you recall those

8 questions?

9 **A. Yes.**

10 **Q.** At previous seminars have you seen

11 Mr. Ray attempt to get people to do things they

12 didn't want to do?

13 **A. No.**

14 **Q.** How about board-breaking activities? Did

15 you ever attend a seminar --

16 MR. KELLY: Your Honor, objection.

17 THE COURT: Sustained.

18 **Q.** BY MS. POLK: You were asked questions

19 about your membership in the World Wealth Society.

20 Did your membership in the World Wealth Society

21 give you access to Mr. Ray?

22 **A. Yes.**

23 **Q.** In what form and how?

24 **A. Well, I never attempted to, but**

25 **apparently if you want to call him and talk to him,**

1 **you could.**

2 **Q.** What did you get from your membership in  
3 the World Wealth Society?

4 **A.** **That's a good question. I really can't**  
5 **answer that question.**

6 **Q.** What did you expect to get?

7 **A.** **I'm not 100 percent sure. I thought we**  
8 **might have -- I mean, it seemed like it was going**  
9 **to be -- I don't know -- more close contact with**  
10 **James. But it really never felt that way. It**  
11 **still felt like you were at a seminar and you were**  
12 **a distance from him and -- you know -- I don't**  
13 **really -- just never -- I don't know what I**  
14 **expected, I guess. It really wasn't what I**  
15 **expected.**

16 **Q.** How long were you a member of the World  
17 Wealth Society?

18 **A.** **Just a year and a half.**

19 **Q.** You were asked questions about the two  
20 waivers you signed with Angel Valley and James Ray  
21 International.

22 **A.** **Yes.**

23 **Q.** And you stated you did not read the  
24 waivers before signing. Why not?

25 **A.** **Correct.**

1 **Q.** Why not?

2 **A.** **Because I just didn't read them. I mean,**  
3 **you either sign them and participate or you didn't**  
4 **sign them and you didn't participate.**

5 **Q.** Had you been asked by Mr. Ray to sign  
6 waivers before you participated in other seminars?

7 **A.** **Oh, every seminar.**

8 **Q.** Do you know if it was the same waiver?

9 **A.** **I don't know.**

10 **Q.** Did Mr. Ray ever take any medical  
11 information from you --

12 **MR. KELLY:** Your Honor, I'm going to object to  
13 the form of the question. Misstate the evidence.  
14 My client's never asked for a waiver. JRI  
15 International has.

16 **THE COURT:** Sustained.

17 **Q.** **BY MS. POLK:** At the Spiritual Warrior  
18 seminar, was any medical information taken from  
19 you?

20 **A.** **No.**

21 **Q.** And was a physical required?

22 **A.** **No.**

23 **Q.** You mentioned that during the exercise  
24 that involved this shallow breathing for a long  
25 period of time that you would fall asleep?

1 **A.** **Yes.**

2 **Q.** Did you always fall asleep when doing  
3 this breathing?

4 **A.** **I think every time we did it I did.**

5 **Yeah.**

6 **Q.** Did that breathing result in less oxygen  
7 intake -- that shallow breathing?

8 **A.** **No. You're breathing so fast it -- it**  
9 **actually increases the oxygen intake.**

10 **Q.** Do you know why you were falling asleep?

11 **A.** **It's just what I do. I fell asleep a**  
12 **lot. Just -- you get into that and it's relaxing.**

13 **Q.** You mentioned that you got very cold  
14 during the exercise involving the breathing. Did  
15 the -- was the venue itself cold?

16 **A.** **It was just a tent outside. So it was**  
17 **whatever temperature it was. It wasn't that bad.**  
18 **No.**

19 **Q.** Have you gotten cold at other James Ray  
20 International events?

21 **A.** **Well, you do in the Holotropic breathing.**  
22 **You do. Yeah.**

23 **Q.** You talked about the Samurai Game and the  
24 event that you competed in.

25 **A.** **Yes.**

1 **Q.** How was that for you?

2 **A.** **Challenging.**

3 **Q.** In what way?

4 **A.** **Thought my arms were going to drop off.**  
5 **It was a challenge.**

6 **Q.** You were asked questions by Mr. Kelly  
7 about whether or not Mr. Ray forced people  
8 physically to participate. And your answer was  
9 that Mr. Ray was pretty intense.

10 Do you recall that?

11 **A.** **Well, he's intense. He plays intent --**  
12 **very intense. You know, as the game -- as a part**  
13 **of the game, he plays very intense. But he doesn't**  
14 **force anybody to do anything.**

15 **Q.** And in what way does Mr. Ray play  
16 intense?

17 **A.** **He's just very intense, takes everything**  
18 **very, very seriously. You know -- he -- it's**  
19 **just -- he expects you to be just as serious as he**  
20 **is or -- he's just -- he's very, very intense.**

21 **Q.** Was that Samurai Game a game in a sense  
22 that people were laughing and having fun?

23 **A.** **No.**

24 **Q.** What was the -- what was the atmosphere?

25 **A.** **It was serious. It was -- you know --**

1 you -- you went in there to do what you're supposed  
2 to do and you had to take the game seriously.

3 Q. Have you played that Samurai Game at  
4 other seminars you've attended?

5 A. No.

6 Q. Mr. Kelly said to you that the head  
7 shaving was about overcoming the sin of vanity.  
8 Was that your understanding of the head shaving?

9 A. I don't -- personally for me it wasn't.  
10 But it's -- I guess it's different for everybody.  
11 I don't know.

12 Q. Do you recall what Mr. Ray told you about  
13 shaving your head?

14 A. It's just about challenging your own  
15 fears.

16 Q. You heard the phrase "play full on"?

17 A. Yes.

18 Q. From Mr. Ray?

19 A. Yes.

20 Q. What does Mr. Ray tell you that means?

21 A. It means you give everything. You -- you  
22 know -- you -- playing full on is giving it your  
23 best all the time.

24 Q. And let's talk about the event inside the  
25 sweat lodge. You testified that you know Lou Caci?

1 A. Yes.

2 Q. Were you aware of Mr. Caci when he was  
3 inside the sweat lodge?

4 A. Well, when he sat behind me, I was. When  
5 we switched places after that, it's -- I guess -- I  
6 think -- I assume it was his voice that I heard who  
7 was trying to help Sean. And after that I don't --  
8 I don't know.

9 I thought Lou was one of the ones -- or  
10 who was the one that helped me with the two women  
11 to get them out. But I can't say that for sure.

12 Q. Were you aware of any incident involving  
13 Lou inside the sweat lodge? At the time were you  
14 aware?

15 A. No.

16 Q. Did you later encounter Lou outside the  
17 sweat lodge?

18 A. Yes.

19 Q. And did you look at Lou?

20 A. Yes.

21 Q. Tell the jury what you saw.

22 A. His arm and his hand were burnt bad.  
23 Like, the skin was burned off him. He had fingers  
24 with skin gone totally, like down pretty thick.

25 Q. And that was his hand. What about his

1 arm?

2 A. Well, he had -- yeah. I mean, the hand  
3 comes to my mind more because that's what I really  
4 looked at. He did have burn marks on his arm. I  
5 don't know to what extent.

6 Q. Did you know at the time how Lou had  
7 sustained injuries on his arm and hand?

8 A. Well, from what I -- what I understand,  
9 that when I met him outside there he --

10 MR. KELLY: Your Honor, objection.

11 Q. BY MS. POLK: And my question --  
12 I'm sorry.

13 THE COURT: Sustained.

14 Q. BY MS. POLK: My question is out -- well,  
15 when you saw him, without Lou saying anything to  
16 you, did you know what had happened to him?

17 A. No.

18 Q. Were you surprised that you did not know  
19 that something had happened to Lou causing him  
20 injury to his hand and arm?

21 A. No.

22 Q. Do you know where you were when something  
23 happened to Lou's hand and arm?

24 A. No.

25 Q. Inside the sweat lodge what was your

1 perception of time?

2 A. Not -- well, just once the flap closed,  
3 it felt like -- felt forever until it opened again.  
4 But -- you know -- just because you were -- you  
5 were hot and it was -- you know -- as far as  
6 like -- I couldn't tell you whether it was -- you  
7 know -- ten minutes, 20 minutes between. You don't  
8 know. Or I didn't know.

9 Q. You testified that you do know a man  
10 named Dennis?

11 A. Yes.

12 Q. Were you aware of any issues with Dennis  
13 when Dennis was inside the sweat lodge?

14 A. No.

15 Q. And when you were outside the sweat  
16 lodge, were you aware of any issues involving  
17 Dennis?

18 A. No.

19 Q. Do you know how Dennis got out of the  
20 sweat lodge?

21 A. No, I don't.

22 Q. During the sixth round when you were  
23 outside of the sweat lodge --

24 A. Yes.

25 Q. -- did you see who else was out?

1 **A. I was face down.**  
 2 **Q.** Did you ever look up around to see who  
 3 was -- who else was out at that time?  
 4 **A. No.**  
 5 **Q.** Were you aware of any yelling when you  
 6 were outside face down?  
 7 **A. I wasn't aware of much of anything. Just**  
 8 **me.**  
 9 **Q.** Why were you not aware of much of  
 10 anything at that time?  
 11 **A. Because it was -- just in a very intense**  
 12 **feeling. It was -- you know -- you're just laying**  
 13 **there waiting for your feeling to come back.**  
 14 **And -- you know -- it was -- when you got sprayed**  
 15 **with the cold water, it was pretty -- that was**  
 16 **pretty intense too because you're so hot.**  
 17 **And I was just -- I mean, you're just**  
 18 **concentrating on yourself. I mean, you're not --**  
 19 **you're not really aware of what's -- anything else**  
 20 **happening.**  
 21 **Q.** Do you know, sir, how long it took you --  
 22 how many minutes it took you to regain awareness of  
 23 yourself?  
 24 **A. Well, the -- whatever time the round was.**  
 25 **Because the other round was over, and they were**

1 **putting more -- I think they were putting the rocks**  
 2 **in before I went back in because I said to**  
 3 **Christine I wanted to go back in, and she had to**  
 4 **check first.**  
 5 **And that's when I -- that's when I came**  
 6 **out and one of the fellows came back in. But I**  
 7 **wanted to go back in anyways so --**  
 8 **Q.** Christine had to check what first?  
 9 **A. Check whether to see if was okay if I**  
 10 **went back in. She didn't want me to go back in.**  
 11 **Q.** So before you went back in, you got  
 12 checked out by Christine?  
 13 **A. No. No. Check -- she went to check to**  
 14 **see if I could go back in.**  
 15 **Q.** Do you know where she went to check?  
 16 **A. I have no idea.**  
 17 **Q.** You testified that when you came back in,  
 18 Mr. Ray said to you, make way. Mike's coming back  
 19 in. When did that occur?  
 20 **A. When I went back in. As soon as I went**  
 21 **back into the sweat lodge.**  
 22 **Q.** Had Mr. Ray checked on you before you  
 23 came back in?  
 24 **A. No.**  
 25 **Q.** You were asked by Mr. Kelly about Linda

1 and your concern for her. Why were you concerned  
 2 for Linda?  
 3 **A. First, trying to get her to lay down**  
 4 **because James wanted us to lay down. He said it**  
 5 **was going to be a hot round; so I was trying to get**  
 6 **her to lie down. But I couldn't do it.**  
 7 **Q.** And when you called out to Mr. Ray about  
 8 Linda?  
 9 **A. Well, I really -- I was calling out to**  
 10 **anybody who would -- who would respond to give me a**  
 11 **hand and -- and get her to lay down. But nobody**  
 12 **responded.**  
 13 **Q.** Did you get a look at the people around  
 14 you who were not responding?  
 15 **A. Well, they were just all lying down.**  
 16 **Q.** Do you know why they didn't respond?  
 17 **A. No.**  
 18 **Q.** But Mr. Ray did respond?  
 19 **A. Well, he just said, leave her. Lay down.**  
 20 **And we're starting the next round.**  
 21 **Q.** Did that concern you?  
 22 **A. Honestly, not really. I mean, it's**  
 23 **really not my call. It's -- he's running the show.**  
 24 **Q.** Were you willing to interrupt Mr. Ray and  
 25 his ceremony?

1 **A. I don't think that would have been a good**  
 2 **idea.**  
 3 **Q.** And why do you say that?  
 4 **A. Because I've known him long enough to**  
 5 **know that you don't do that.**  
 6 **Q.** Why don't you do that?  
 7 **A. He would get very angry.**  
 8 **Q.** And that's based on your personal  
 9 experience from other --  
 10 **A. Just watching. He doesn't like when**  
 11 **people interrupt the process.**  
 12 **Q.** You said when you came back in after the  
 13 sixth round, you saw Christine at that point?  
 14 **A. The one holding -- yes. She was -- I was**  
 15 **trying to get by her. She's a little erratic.**  
 16 **Q.** Was she standing?  
 17 **A. No. No. No. She was sitting holding**  
 18 **her -- holding her bags.**  
 19 **Q.** Tell the jury what about her behavior was  
 20 erratic.  
 21 **A. Well, she just -- she was just kind of**  
 22 **babbling, and she wasn't making any sense. She**  
 23 **was -- you know -- her body was twitching and she**  
 24 **just had this glazed look on her face. She**  
 25 **wasn't -- you know -- you could talk to her. You**

1 could say something to her. She wasn't going to --  
2 she wasn't responding. She just kind of -- she was  
3 in her own little world.

4 Q. And where was she, if you'll illustrate  
5 on this diagram?

6 A. Roughly sort of in this area.

7 Q. Was she in your path to --

8 A. Yeah. She was just -- because her legs  
9 were around and I -- you know -- was just trying to  
10 sort of either go around her or over her.

11 Q. And it stopped you?

12 A. Yeah. I stopped and -- waiting for her  
13 to sort of swing around so I could get by her.

14 Q. And Mr. Ray said something to you?

15 A. Well, no. He just said -- he said in  
16 general. I don't know if he was specifically  
17 directing it to her. He just said, get out of way  
18 and let him get back to his seat.

19 Q. Did Mr. Ray check on that lady who was  
20 seeming erratic to you?

21 A. No.

22 Q. Did he see her?

23 MR. KELLY: Objection.

24 THE COURT: Sustained.

25 Q. BY MS. POLK: When Mr. Ray said to get

1 out of the way, was he talking to you?

2 MR. KELLY: Your Honor, objection.

3 THE COURT: Foundation. Sustained.

4 Q. BY MS. POLK: Did you know who Mr. Ray  
5 was talking to when he said, get out of the way?

6 A. Personally, no. I didn't know who he was  
7 specifically talking to. No.

8 Q. And what did you think when he said, get  
9 out the way?

10 A. I was assuming he was talking to her, but  
11 I can't say that for sure.

12 Q. Mr. Kelly asked you a question about  
13 people lying down on mats. Were there mats inside  
14 the sweat lodge?

15 A. No. They weren't really mats. Outside  
16 were tarps. I said mats, but they're tarps.

17 Q. What was the flooring inside that sweat  
18 lodge?

19 A. Just dirt.

20 Q. And then Mr. Kelly tried to get you to --  
21 asked you --

22 MR. KELLY: I'm going to object to --

23 THE COURT: Sustained.

24 Q. BY MS. POLK: Mr. Kelly asked you to --  
25 asked you whether the -- in a short period of time

1 it became a medical emergency. Do you agree that  
2 it became a medical emergency in a short period of  
3 time?

4 MR. KELLY: Your Honor, objection.

5 THE COURT: Grounds?

6 MR. KELLY: Beyond the competency of this  
7 witness, medical emergency.

8 THE COURT: Sustained.

9 Q. BY MS. POLK: Did something happen that  
10 was -- appeared to you to be within a short period  
11 of time?

12 A. That's a hard question to answer.

13 Q. Why?

14 A. Well, because -- I mean, as people were  
15 leaving -- and apparently they were leaving  
16 in-between rounds, so I was told -- there was  
17 people outside being dealt with. I mean, I saw --  
18 when this started, when it was -- to me it was just  
19 all happening.

20 I -- you know. When we finally came out,  
21 it was just like a -- you know -- there's a lot of  
22 people. There's a lot of commotion out there. So  
23 how fast that appeared, I mean, I -- I -- I  
24 can't -- I can't judge that.

25 Q. Your wife stayed in the whole time?

1 A. Yes.

2 Q. And did she ever get sick?

3 A. No.

4 Q. Did your wife consume drinks or consume  
5 the food that was at that comfort station?

6 A. I don't know.

7 Q. And did you ever get sick?

8 A. No.

9 Q. You stood around that fire before you  
10 went into the sweat lodge?

11 A. Yes.

12 Q. And you did consume some of the  
13 electrolytes from the comfort station?

14 A. When I came out in between the fifth and  
15 seventh round, yeah.

16 Q. And you drank water from water bottles  
17 that you filled at wells on the property?

18 A. Correct.

19 MR. KELLY: Your Honor --

20 Q. BY MS. POLK: Did you drink that water  
21 throughout the week?

22 A. Yes.

23 MR. KELLY: -- leading question.

24 THE COURT: It was answered.

25 MR. KELLY: Okay. Thank you.



1 Q. BY MS. POLK: The lady inside that was  
2 clinging to a string. And you testified that you  
3 encountered her coming in for the last round?

4 A. Correct.

5 Q. And is that a woman you helped get out of  
6 the sweat lodge as well?

7 A. Yes.

8 Q. Outside the sweat lodge was your  
9 attention drawn to her?

10 A. No.

11 Q. You testified somebody outside that  
12 Mr. Ray approached and spoke to. Is that a  
13 different lady?

14 MR. KELLY: Your Honor, string of leading  
15 questions. I would object.

16 THE COURT: Overruled.

17 You may answer that question, if you can.

18 THE WITNESS: I don't know. I don't believe  
19 that was her. But again, it was just -- the focus  
20 was not -- well, I mean, there's people everywhere  
21 and there's a lot of stuff going on.

22 Q. BY MS. POLK: I understand.

23 A. But I can't -- I mean, I can't tell you  
24 whether that exactly was her over there laying. I  
25 don't know.

1 Q. Thank you, Mr. Olesen.

2 Thank you, Judge.

3 THE COURT: Thank you, Ms. Polk.

4 Any questions for this witness, ladies  
5 and gentlemen?

6 I guess not.

7 Counsel, may Mr. Olesen be excused as a  
8 witness.

9 MS. POLK: Yes, Your Honor.

10 MR. KELLY: Yes.

11 THE COURT: Sir, you will be excused as a  
12 witness. I'll just ask, please, if you remain  
13 until the jury is excused as well.

14 You do understand the rule of exclusion;  
15 correct?

16 THE WITNESS: Yes.

17 THE COURT: And I'm also directing that people  
18 not contact third -- third parties. I don't know  
19 who your friends are. But if there's a risk that  
20 you might communicate with someone who would then  
21 communicate with a witness, I'm asking that you  
22 avoid that.

23 You understand as well?

24 THE WITNESS: No problem.

25 THE COURT: Please remain seated just a

1 minute. I am going to excuse everyone.

2 Ladies and gentlemen, we will take the  
3 evening recess. Remember all aspects of the  
4 admonition.

5 Again, someone gave us a note, and we're  
6 able to address that. And we'll just continue with  
7 that process. If there are any issues with the  
8 admonition, just continue to follow that plan.

9 Remember not to discuss the case, even  
10 among yourselves. Avoid any type of contact  
11 through media or otherwise. And take care.

12 And please resume -- or be back assembled  
13 at 9:15 tomorrow.

14 And I'm going to ask the parties remain a  
15 minute.

16 Everyone else is excused.

17 Thank you.

18 (Proceedings continued outside presence  
19 of jury.)

20 THE COURT: I'm going to ask Mr. Olesen to  
21 stay just a minute while the jury exits.

22 Mr. Olesen is still here.

23 And you're in a situation where there's  
24 another witness in the -- in the household. So  
25 that -- and I assumed that. And I read the list of

1 witnesses. It was quite lengthy.

2 But you understand you can't be  
3 discussing testimony or the case in any way?

4 THE WITNESS: I do.

5 THE COURT: And the actual rule of exclusion  
6 says not to communicate with witnesses during the  
7 trial. I guess that won't be practical.

8 THE WITNESS: I'll give it a shot but --

9 THE COURT: It's just so important that you  
10 not communicate about the case or your testimony in  
11 any way.

12 THE WITNESS: Not a problem.

13 THE COURT: Thank you.

14 MS. POLK: Judge, if I can just state, I don't  
15 see that his wife is listed as a witness.

16 THE WITNESS: She got a letter about three  
17 weeks ago saying that they didn't want her to come  
18 but they didn't -- they still left the impression  
19 that she could be called. So --

20 THE COURT: As I indicated, the list of  
21 witnesses is quite lengthy.

22 So, Ms. Polk, I really wanted to make  
23 clear, if there's any possibility of that, then  
24 Mr. Olesen needs to stay under that aspect of the  
25 exclusion.

1 Of course, once you've testified you can  
2 remain in the -- in the courtroom after you're  
3 excused, but that -- that other part of the rule  
4 applies.

5 So, Ms. Polk, if you would clear that up  
6 for Mr. Olesen.

7 MS. POLK: I will. Thank you.

8 THE COURT: And, sir, if you could -- could  
9 you wait outside just a minute while I talk to the  
10 attorneys, and then Ms. Polk or Mr. Hughes can talk  
11 to you?

12 Thank you.

13 (The witness is excused.)

14 And everyone please be seated. I just  
15 had a couple things I wanted to cover. I wanted  
16 to, first of all, make sure that you did get copies  
17 of the note from the juror regarding Starbucks.

18 MR. LI: We did.

19 THE COURT: Again, I didn't see any issue  
20 there. But I want to make sure that everyone gets  
21 a copy.

22 Mr. Hughes, Ms. Polk, did you have any  
23 issue with that?

24 MR. HUGHES: No, Your Honor. Thank you.

25 THE COURT: This will just be filed. And

1 that's the practice. These notes will be filed and  
2 I'll just mark that they're received.

3 The other thing I wanted to ask is I  
4 wanted to make sure that I have all rulings out  
5 that need to be addressed and nothing is coming up  
6 that is still -- is pending.

7 There was a series of motions -- or  
8 actually, there was one motion filed some time ago.  
9 Motion re pretrial issues. And I think this has  
10 been addressed a few times. But I think it was  
11 described that those were things that could be  
12 addressed at trial. I just want to make sure that  
13 I'm not behind in some aspect of something.

14 Mr. Li?

15 MR. LI: There is a fairly critical issue  
16 that -- that I will bring up. It relates to the  
17 state's expert, Mr. Steven Pace.

18 THE COURT: Right.

19 MR. LI: And it's not necessarily only about  
20 the expert himself. It's more about the issues of  
21 corporate liability versus individual liability in  
22 the criminal context.

23 And we are going to brief this more fully  
24 over the weekend just to get Your Honor something  
25 that's going to lay out a number of these issues.

1 But in the course of the state's cross --  
2 or direct examinations of a lot of various  
3 witnesses, there's a continual blurring of -- of  
4 the line between Mr. Ray and -- and James Ray  
5 International, which is a company of 27 -- or was a  
6 company of 27 some-odd people.

7 There are very specific rules about when  
8 an officer of a corporation can be held liable for,  
9 essentially, what I believe the state is trying to  
10 imply, some sort of negligence on the part of the  
11 company. There's some very specific rules relating  
12 to that.

13 And we contend that this is not -- this  
14 is not a civil case involving whether the company  
15 was negligent or not. This is a criminal case  
16 involving an individual -- individual's liability  
17 or potential liability.

18 And we think a lot of these questions --  
19 did Mr. Ray do this, did Mr. Ray do that -- is  
20 not -- is actually not particularly relevant to  
21 this particular case.

22 MR. HUGHES: Your Honor, there is a motion in  
23 limine pending on Mr. Pace. I believe it's been  
24 fully briefed. I'm not sure that -- that there can  
25 be a reply to the reply.

1 With respect to the blurring of the  
2 issues, I don't believe the state has blurred the  
3 issue. We've asked what did Mr. Ray do? What did  
4 Mr. Ray say? It did appear to us in some of the  
5 defendant's questioning, particularly on the issue  
6 of these liability waivers, that they're talking  
7 about the JRI company and its officers. That's --  
8 that's the blurring that we've seen. Seems to be  
9 coming from the defense side.

10 It's not the state's intention to call  
11 Mr. Pace as an expert in corporate liability but as  
12 an expert in what should a leader of an outdoorsman  
13 program like this do. And the fact that the  
14 defendant during his interview with Mr. Pace  
15 concentrated on corporate sort of questions doesn't  
16 diminish the fact that Mr. Pace is going to be  
17 called to offer an opinion about what the leader of  
18 an adventure program should do.

19 MR. LI: Mr. Hughes's characterization, at  
20 least in comparison to what the actual disclosure  
21 is -- there's quite a big gulf between what the  
22 actual disclose is and what Mr. Hughes has said the  
23 testimony is going to be about.

24 The disclosure says what are proper,  
25 written, management programs for an outdoor, like

1 NOLS or Outward Bound and other sorts of programs.  
 2 That is exactly what -- what the disclosure says.  
 3 He encloses also a whole discussion about  
 4 sort of that outward bound philosophy about how you  
 5 do these various programs, what sort of risk  
 6 management programs you should put in place to run  
 7 an outdoor adventure program.

8 THE COURT: I've worked on that. And the Far  
 9 West Water & Sewer, I think is the name of the  
 10 case. That's really quite instructive on those  
 11 issues.

12 What occurred to me, I thought I might  
 13 have mentioned it on the -- at the pretrial on the  
 14 first day. Maybe I didn't. But there are similar  
 15 concerns with talking about negligence and what  
 16 might go to a negligence or possibly a criminal  
 17 negligence issue and what might go to a charge of  
 18 manslaughter. There's that same kind of concern  
 19 there.

20 And I'm very aware of that motion. That  
 21 was filed relatively recently. And I need to know  
 22 when a ruling has to be out for planning purposes.  
 23 And if it needs to, I'll -- I've got the briefs,  
 24 and I'll go ahead and write something.

25 But I've indicated, Mr. Hughes, one of my

1 concerns. I can see those things -- and I -- going  
 2 to potential issues of negligence. I'm not  
 3 commenting one way about ultimately what facts  
 4 would -- would be. And even the way you phrased it  
 5 just now, what somebody should do as opposed to  
 6 consciously disregarding.

7 MR. HUGHES: Your Honor --

8 THE COURT: There are issues about what  
 9 someone would know. And if you think in the Far  
 10 West Water & Sewer, there's a real discussion in  
 11 there about the actual knowledge of those  
 12 regulations and those things.

13 Mr. Hughes?

14 MR. HUGHES: Your Honor, first, with respect  
 15 to when the Court's ruling needs to be issued, we  
 16 do not intend to call Mr. Pace for, say, the next  
 17 two weeks or so. So there's a little time on that.

18 With respect to the relevancy, if you  
 19 will, of Mr. Pace's testimony, it goes beyond  
 20 negligence because the standard in this case of  
 21 recklessness looks at what a reasonable person in  
 22 Mr. Ray's situation would do or should do. And  
 23 that's what Mr. Pace's testimony is.

24 Jurors coming into this are not in a  
 25 position to know what the leader of an adventure

1 program, which would be a reasonable person in the  
 2 defendant's situation, should know or should --  
 3 should -- should be aware of.

4 It's the state's burden to present the  
 5 jury with that proof. And we are calling Mr. Pace  
 6 to provide that information of what a reasonable  
 7 person in that situation.

8 MR. LI: Your Honor, I beg to differ. The  
 9 disclosure says consideration used to assess  
 10 program safety. And then it goes on for pages  
 11 about manuals, hiring practices, et cetera. These  
 12 are corporate policies.

13 This is exactly what you would do if you  
 14 were looking at a trading company and whether it  
 15 complies with FCC regulations. And you would look  
 16 at the company and you'd use it to assess whether  
 17 it's in compliance with various rules.

18 This is not about an individual -- what a  
 19 sweat lodge -- a person who runs a sweat lodge  
 20 should do. This is about what a company should do.  
 21 JRI was a company. Mr. Ray was its spokesperson.

22 It's as if we had the Steve Nash  
 23 basketball camp. And there's a Steve Nash,  
 24 Incorporated, that puts on basketball camps for all  
 25 kinds of folks. Steve Nash, Incorporated, might

1 have some liability issues if it doesn't put in  
 2 place good program safety rules. But Steve Nash's  
 3 role is, essentially, to come out and motivate  
 4 people to shoot baskets and shoot them well.

5 There's a big difference. And I know  
 6 that the Court is aware of this. So I won't --

7 THE COURT: I just want to say I did not want  
 8 to have a complete oral argument at this time. And  
 9 I don't want either side to feel you need to do  
 10 that. If we have to assemble at 8:30 on the  
 11 morning that -- not the morning that it's  
 12 anticipated this witness would be here. We need to  
 13 do it ahead of that.

14 MR. LI: I don't think it's quite right that  
 15 we have a couple weeks to deal with it because one  
 16 of issues is this: There are a lot of questions  
 17 the state is asking that blur the line between  
 18 individual and corporate.

19 The fact that these folks are signing  
 20 waivers -- you know -- that the corporation gave  
 21 them -- I mean, by the way, the waivers also  
 22 relate --

23 THE COURT: Mr. Li, I'm only going to say,  
 24 look at who the parties are in the Far West case  
 25 and look at what the history is that's recited in

1 that case about what happens with other people.  
2 And it gets into that.

3 Please. I just don't want to argue this  
4 now. But I agree. I don't want to put this off  
5 either. I've seen that.

6 MR. HUGHES: Your Honor --

7 THE COURT: And Mr. Hughes, I don't. I want  
8 to get this decided in the middle of next week or  
9 something in that time frame, I would think.

10 MR. HUGHES: Thank you, Your Honor.

11 THE COURT: And anything else that you can  
12 think of? I don't want something to be slipping  
13 by. Because there were a number of motions filed  
14 here. And I think that that motion is still there.  
15 But I think the others have pretty well been taken  
16 care of.

17 There are exhibit issues that are out  
18 there. That was filed early -- I'm sorry.  
19 Recently.

20 Mr. Li?

21 MR. LI: You know, there's another issue that  
22 we -- you know -- don't want to argue tonight and  
23 don't want to burden the Court with. And we would  
24 like to do so in an -- in an orderly fashion.

25 But this -- this -- this idea that the

1 lawsuit that, for instance, a witness filed somehow  
2 is our -- the fact that we've done due diligence  
3 and actually found the lawsuit is our disclosure  
4 obligation, I would -- I mean -- and I'll apologize  
5 for not having said this yesterday because it  
6 simply just didn't occur to me. But I will now say  
7 what I think is, basically, the law.

8 This is a statement of a witness, some of  
9 which is exculpatory, towards the -- towards our  
10 client, in the sense that he alleges toxic fumes  
11 and what have you. And the state has an obligation  
12 actually to produce the -- the statements. The  
13 state has an obligation. Not us. They have --  
14 this is their own witness. This is Brady material.

15 And I'll tell you why we're saying this.  
16 We did a bunch of research last night -- I  
17 shouldn't say we. Miriam did a bunch of research  
18 last night, got about 700 cases about this type of  
19 issue. Not one of them relate to a defense  
20 obligation to produce lawsuits that a prosecution  
21 witness has filed.

22 All of them had to do whether there was a  
23 Brady violation or some sort of disclosure  
24 violation by the state for not producing those  
25 sorts of things.

1 So -- and I don't want to burden the  
2 Court with this right now. But -- but that is  
3 actually what we believe is the state of the law.  
4 This is a state witness. The state's witness has  
5 made statements. We believe some of those  
6 statements are exculpatory. They have the burden  
7 to find and produce those.

8 We will brief it more fully. And I had  
9 not intended to bring it up, but you had asked.  
10 And so -- but we want to do it in an orderly  
11 fashion and not at 5:08 and 11 seconds tonight.

12 THE COURT: Under Brady, Kyles, if it goes to  
13 impeachment, that's covered, as well. There's an  
14 obligation to do that.

15 Ms. Polk, it was brought up. So if you  
16 want to have a word on that. And again, I don't  
17 consider this to be the full argument on this.

18 MS. POLK: Well, in fact, Mr. Li had indicated  
19 to me this morning that they intended to more fully  
20 brief it. And I anticipate that the state would  
21 have an opportunity to more fully respond.

22 But I do want to respond just to say,  
23 first of all, that that complaint is not the  
24 statement of Dennis Mehravar. It was a complaint  
25 with Mr. Mehravar and Sidney Spencer, both as

1 plaintiffs, again multiple defendants. It is --  
2 what they provided to us, Your Honor, does not have  
3 the verification by the litigants.

4 I don't really do civil practice. But I  
5 do believe that complaints are supposed to have  
6 those verifications. And I don't know, if it  
7 doesn't exist, why it's not attached to the exhibit  
8 that they provided to us. It's merely a document  
9 signed by an attorney. And then I don't believe it  
10 is Mr. Mehravar's statement. I'm not sure what  
11 exculpatory statements Mr. Li is referring to.

12 But finally, Your Honor, that is a  
13 complaint that the defendants have. It was a  
14 lawsuit filed against him. It's the state that  
15 does not have any information.

16 THE COURT: And that -- I was not deciding  
17 this in any way. I just acknowledged that I could  
18 see under Brady Kyle if there's information the  
19 state had, I acknowledged that basic principle.

20 I found a couple cases yet last night.  
21 But they're not particularly helpful, but I'll cite  
22 them. And they have to do with actually  
23 cross-examining in the area. You know that -- this  
24 witness has passed. If you think it might come up  
25 again. And so --

1 MR. LI: Yes.

2 THE COURT: United States versus Brutzman,

3 B-r-u-t-z-m-a-n. It was reversed on other grounds.

4 But that's 731 F.2d 1449 out of the Ninth Circuit.

5 Again, reversed on other grounds.

6 And then United States versus Clark, 649

7 F.2nd 534. That's out of the Seventh Circuit.

8 That's a 1981 case.

9 The Brutzman case is 1984.

10 They talk a little bit about the direct

11 issue that had come up.

12 MS. POLK: Your Honor, I just -- I just want

13 to add one more thing about the Brady issue because

14 my office and I take very seriously our obligations

15 under Brady.

16 The Brady rule applies to information,

17 documents, that are in our possession. And, again,

18 that complaint was never in the state's position.

19 I do have just one other quick issue --

20 THE COURT: Yes.

21 MS. POLK: -- if you're letting --

22 MR. LI: Your Honor, if I can finish off this

23 one topic.

24 We have a case called "Hernandez versus

25 State of Arizona." I'm handing the state a copy.

1 And if I could hand the Court a copy.

2 THE COURT: Okay.

3 MR. LI: Thank you.

4 MS. POLK: Judge, the other quick issue that

5 I'd like to take care of is that during the

6 questioning of Dennis Mehravar, I had moved to

7 admit the medical records, both from the fire

8 department or the ambulance company and then the

9 Verde Valley Medical Center. I had a quick -- I

10 showed the exhibits to Mr. Li. He then made a

11 statement to the Court on the record that subject

12 to --

13 MR. LI: Our discussion.

14 MS. POLK: -- our discussion that he had no

15 objection. Those are the sorts of things that come

16 back to haunt us on appeal because there was a

17 discussion and it was not on the record. I just

18 want to make a record of what that discussion was

19 or what Mr. Li meant when he said subject to our

20 discussion.

21 MR. LI: And I'll make it clear. I thought

22 Ms. Polk complied exactly -- not complied, but did

23 exactly what she said she was going to do. And

24 that was the only -- she said she was going to show

25 a page or two, and I said that's fine. And that's

1 all I was trying to say.

2 MS. POLK: Thank you.

3 THE COURT: I interpreted that to mean after

4 the discussion it's going to be admissible.

5 Because everyone sees I make every effort to get

6 every bench conference here on the record. I

7 talked about a couple of procedural things that

8 really have nothing to do with the substance of the

9 case, briefly.

10 But everything goes on the record. And

11 if there's any question like that, I want it on the

12 record at sidebar.

13 MR. LI: Ms. Polk did exactly what she said

14 she'd do.

15 THE COURT: Okay. Anything else, then, this

16 evening?

17 MS. POLK: No, Your Honor. Thank you.

18 THE COURT: Okay.

19 MR. LI: The issue of audio clips. I think --

20 I think we're resolved for this week. Or not?

21 This is a big issue, Your Honor. And I

22 would submit it's best dealt with not in an ad hoc

23 manner, but with a broad ruling relating to this --

24 these clips.

25 And I don't want to burden the Court at

1 5:13:04. But one of the issues is that the state

2 seeks to introduce a lot of evidence that relates

3 to Mr. Ray talking about his various philosophies

4 that do not have to do with the sweat lodge.

5 I think we've heard a lot about pushing

6 limits and all of those sorts of things. I think

7 we've heard enough. The -- a lot of these clips

8 have -- are just taken out of context. They --

9 they relate to a whole -- a whole body of thought.

10 And the only way you could possibly explain a

11 particular clip is if you introduce the whole body

12 of thought.

13 For instance -- you know -- look. I

14 don't claim to know the whole body of thought.

15 But, basically, if you have five pillars of success

16 or something like that and you only talk about the

17 third one, it is taken grossly out of context.

18 And --

19 THE COURT: Mr. Li, I hate to stop you.

20 Without me knowing what the evidence is, we're just

21 going in a -- with an abstract argument that I

22 cannot decide.

23 MR. LI: All right. And that's why I'm

24 thinking that perhaps the way to deal with it is to

25 just put it in writing, give you the CDs, show you

1 what their -- what the state would like to play.

2 I mean, I would think the state should  
3 have to proffer what they're actually going to  
4 produce, what they're going to play, and why it's  
5 relevant, as opposed to just handing the CD over  
6 and saying we're going to play clips 1 through 10  
7 and then we have to object -- find some way to  
8 object to it.

9 I would think that the state has to first  
10 make the proffer of relevance as to why a  
11 particular clip is relevant.

12 What's happening right now, Your Honor,  
13 to be perfectly honest, is Miriam and I are staying  
14 up until 3:00 in the morning doing other things and  
15 listening to these tapes and trying to figure out  
16 what possible relevance this could be, trying to  
17 find it in connection with whatever other clips  
18 there might be. And we -- this is -- this is not a  
19 way to do this.

20 And -- you know. So we think perhaps the  
21 best way to do it is for us to brief it, lay it  
22 out, ask the state to proffer what evidence they  
23 want to introduce and why, as opposed to  
24 producing -- giving us 130 clips that are just --  
25 you know -- time stamped and in no particular

1 identification.

2 We literally would have to listen to all  
3 131 clips to figure out what's on them.

4 THE COURT: That's why there needs to be a  
5 meaningful list of exhibits if there's that kind of  
6 volume, I would think.

7 Ms. Polk, again, I don't want to have a  
8 complete argument tonight. I would like to know  
9 your position on it.

10 MS. POLK: Your Honor, as I said at the bar  
11 when we had this discussion, the state has given to  
12 the defense a master audio with all of the clips  
13 that we intend to use or we might use throughout  
14 the trial.

15 I'm attempting to provide to the defense  
16 in advance the clips we intend to use with specific  
17 witnesses. And we have done that.

18 What arose today, though, was on  
19 cross-examination they made relevant a clip that I  
20 had not used in direct examination. I had provided  
21 that clip to them in advance. But since I didn't  
22 intend to use it in direct examination, I didn't  
23 tell them that.

24 But they made it relevant, so then I  
25 attempted to use it. That is Exhibit 754. The

1 state does intend to introduce that particular  
2 audio. We have laid part of the foundation through  
3 Mr. Mehravar. And I would -- I guess I'm putting  
4 Mr. Li on notice right now that we believe that  
5 audio clip -- and it's Exhibit 754 -- is relevant.  
6 And we will attempt to introduce it through future  
7 witnesses.

8 THE COURT: For tomorrow -- let's deal with  
9 that. Are there specific clips, Ms. Polk, that you  
10 have that have not been reviewed by the defense in  
11 a way that they could actually see how it would  
12 apply to the upcoming witness?

13 MR. LI: I don't want to lie, Your Honor, but  
14 we literally have 130 clips. And it is not  
15 adequate disclosure to simply hand over -- I  
16 mean -- and no disrespect. To hand over a CD with  
17 131 clips and say, we're going to play some of  
18 these.

19 MS. POLK: Your Honor, with respect to Dawn  
20 Gordon, who we believe will testify tomorrow, we've  
21 already notified the defense of the three clips we  
22 intend to use.

23 THE COURT: And they are?

24 MS. POLK: They are -- Your Honor, I'll talk  
25 to Mr. Li on this issue of clips.

1 THE COURT: Thank you.

2 Let's recess.

3 I didn't invoke the new start time. And  
4 I was concerned today when it got past 9:00 o'clock  
5 and possible legal issues -- a legal issue. I did  
6 not want to make a rule that people have to be here  
7 at a certain time if there isn't something to do.

8 But if there's a legal issue, it needs to  
9 be argued and submitted so we're not holding up the  
10 jury. And if it takes being here at 8:15 or 8:30  
11 every day, then that's what I'll order. But --

12 MR. LI: We'll do it, Your Honor.

13 I just want to say that we made an  
14 effort, and we appreciate the state's effort this  
15 morning, to just kind of work together and try to  
16 deal with this issue.

17 We understand -- we have a very strongly  
18 held belief that it is appropriate -- it would have  
19 been appropriate to cross-examine Mr. Mehravar  
20 about his lawsuit. But we said all right. We'll  
21 just hold off on that so we can litigate this issue  
22 in an orderly fashion.

23 There are a lot of issues that are  
24 wrapped up in it. For instance, 408 issues about  
25 the settlement and whether or not the state can,

1 quote, unquote, take the sting out of this lawsuit  
 2 issue by eliciting testimony relating to any  
 3 potential settlements. There are rules that relate  
 4 to directly to that. They -- you know.

5 And so we want to tread carefully about  
 6 these issues. And as a consequence, we've -- you  
 7 know -- unchambered the bullet and decided to --  
 8 we'll just deal with it. And we want to get some  
 9 briefing on this so the Court will have an orderly  
 10 presentation of what the arguments are instead of  
 11 us just barraging the Court with -- you know --  
 12 every thought that we have at 5:19 and 17 seconds.

13 THE COURT: Thank you.

14 We will recess.

15 (The proceedings concluded.)  
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1 STATE OF ARIZONA     }  
                               } ss: REPORTER'S CERTIFICATE  
 2 COUNTY OF YAVAPAI    }  
 3

4 I, Mina G. Hunt, do hereby certify that I  
 5 am a Certified Reporter within the State of Arizona  
 6 and Certified Shorthand Reporter in California.

7 I further certify that these proceedings  
 8 were taken in shorthand by me at the time and place  
 9 herein set forth, and were thereafter reduced to  
 10 typewritten form, and that the foregoing  
 11 constitutes a true and correct transcript.

12 I further certify that I am not related  
 13 to, employed by, nor of counsel for any of the  
 14 parties or attorneys herein, nor otherwise  
 15 interested in the result of the within action

16 In witness whereof, I have affixed my  
 17 signature this 22nd day of March, 2011.  
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23 -----  
 24 MINA G. HUNT, AZ CR No. 50619  
 CA CSR No. 8335  
 25

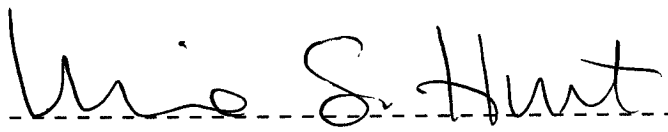
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